AING'S

OTLAND

THE HISTORY OF SCOTLAND,

FROM
THE UNION OF THE CROWNS ON THE ACCESSION OF JAMES VI. TO THE THRONE OF ENGLAND,

TO THE
UNION OF THE KINGDOMS IN THE REIGN OF QUEEN ANNE.

By MALCOLM LAING, Esq.

WITH TWO DISSERTATIONS, HISTORICAL AND CRITICAL;
ON THE GOWRIE CONSPIRACY, AND
ON THE SUPPOSED AUTHENTICITY OF OSSIAN'S POEMS.

IN TWO VOLUMES.

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THE HISTORY OF SCOTLAND.

BOOK VII.

New Government and Parliament.—Execution of Argyle, Guthry, Wariſton. — Prelacy reſtored, Preſbyterian Clergy ejected.—Middleton's rapacity, exceſſes, and diſgrace.—Eccleſiaſtical commiſſion, military perſecution, and inſurrection in the Weſt.—Government mitigated and the preſbyterians indulged.—Lauderdale's tyrannical adminiſtration. Perſecution of conventicles.—Mitchel's trial.

BOOK VII.

1660. Public expectations and joy at the reſtoration.

FROM the civil and religious wars of the two kingdoms, in which it is ſeldom poſſible to ſeparate the intereſt, or the ſhare of either, we return to the domeſtic tranſactions of Scotland, whoſe hiſtory, from the reſtoration to the union, continues unmixed and almoſt unconnected with Engliſh affairs. Many years of undiſturbed tranquillity were

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were expected from the ſincere, and univerſal joy which the reſtoration diffuſed. The affectionate loyalty which the people expreſſed, was confirmed by the gracious and popular deportment of the king. The faireſt hopes were entertained of the proſperity of the new reign; which nothing could have diſappointed but the miſconduct or rather the crimes of government; the predilection of Charles for a foreign intereſt; his ſecret attachment to the Romiſh faith; and above all his perſeverance in the arbitrary meaſures which his father had purſued. It was from theſe and other cauſes, that the government of Scotland became hoſtile and gradually odious to the people, till it degenerated at length into a ſanguinary, and cruel deſpotiſm, for which there was no cure but the expulſion of the Stewarts.

New miniſtry.

The government ſtill remained in the hands of the Engliſh, while the nobility and principal gentry hurried to court, to prefer their allegiance or advice for the ſettlement of the kingdom. The royaliſts were preceded and led by Glencairn and Middleton; but their diligence was outſtript by the earl of Lauderdale, who had accompanied the Engliſh commiſſioners to the Hague, on his releaſe from the tower. In return for his ſervices and ſufferings during ten years impriſonment, he obtained the office of ſecretary, the more deſirable as it required his attendance at court, and of the numerous miniſters who roſe and ſunk during the courſe of the reign, his aſcendancy ſubſiſted the longeſt over the mind of the king. The earl of Crawford, who had ſuffered the ſame impriſonment, was re-

ſtored

ſtored to the treaſury; Rothes was appointed preſident of council, Glencairn chancellor, Middleton commiſſioner to the approaching parliament. The authority of the committee of eſtates was revived, in order to ſuperſede the adminiſtration of the Engliſh judges, and by the advice of Clarendon, a counſel for Scottiſh affairs was eſtabliſhed at Whitehall [1].

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Two important conſiderations occurred, in the ſettlement of Scotland, whether to preſerve the garriſons introduced by Cromwell, and what form of eccleſiaſtical government to preſcribe for the church. Clarendon and Monk were averſe to the removal of the Engliſh garriſons, whoſe preſence they conſidered as ſtill neceſſary to reſtrain a mutinous nation, prone to rebellion, by military force. Lauderdale repreſented, with that conſummate art which denotes his character, that it was not leſs ungenerous than unpolitic to prolong the ſervitude which the nation, after the loſs of two armies, had incurred from its loyal attachment to the crown; that the meaſure would be productive of national diſguſt, and in the event of an inſurrection in England, the garriſons left by Monk as the moſt diſaffected part of a fanatical army, would be joined by the Scots; that the time might come, when, inſtead of Engliſh garriſons in Scotland, his majeſty would require Scottiſh garriſons in England, to repreſs the turbulence of a wealthy people; and that the nation, relieved from a badge

Removal of the garriſons.

[1] Burnet, i. 147. Baillie, ii. 442. Clarendon's Life, ii. 97.

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of ignominious ſubjection, might be rendered the more inſtrumental and ſubſervient to his deſigns. As Glencairn and Middleton were afraid, though deſirous, to oppoſe their removal, or to incur the reproach of an unpopular advice, the citadels and forts were demoliſhed, and when ſupplies were procured for their diſcharge, the diſaffected troops were diſbanded or withdrawn [2].

Settlement of the church

In the ſettlement of an eccleſiaſtical government, Charles was peculiarly embarraſſed by the treaty at Breda. When invited to Scotland on his father's death, he had ſworn and ſubſcribed the covenant, and confirmed the preſbyterian church as the conditions of his acceſſion, and although the nation was unable to preſerve him on the throne, the oaths renewed at his coronation remained unrepealed. If it was difficult to obſerve, it was diſhonourable to violate the conditions formerly accepted, when there was no choice unleſs to relinquiſh the crown; but if the word of a prince is to be reputed ſacred, no violence, nor ſtate neceſſity could afford a pretext to diſpenſe with his oaths. However diſguſted with the preſbyterians during his reſidence in Scotland, the king himſelf was indifferent to religion; but Clarendon, whoſe mind was contracted and ſoured by religious bigotry, was irreconcilable to the very exiſtence of their church. That upright and able, but not enlightened ſtateſman, had already prepared the moſt intolerant meaſures for the revival of the hierarchy, which he urged the

[2] Clarendon's Life, ii. 406. Burnet, i. 151.

king

king to reſtore in Scotland, by a violation of thoſe ſolemn engagements which his own conſcience would never have infringed. The earls of Glencairn and Middleton concurred in the ſame deſign; and, at a time when the majority of the nation were rigid preſbyterians, did not heſitate to aſſert, that the people were diſguſted with the inſolence of the eccleſiaſtical courts, and deſirous of a change. They returned with inſtructions to examine, and prepare the nation for the introduction of prelates; while Sharp, to appeaſe the ſuſpicions of the public reſolutioners, whom he had ſecretly deſerted on the offer of the primacy, procured a letter from Charles that confirmed their aſſemblies, and promiſed to preſerve the government of the church inviolate, as eſtabliſhed by law. As the preſbyterian was then the eſtabliſhed religion, the reſolutioners were eaſily deceived by a mean equivocation unworthy of a king; or were gratified perhaps by the perſecution of the remonſtrants, whom the committee of eſtates had impriſoned or diſperſed [3].

1660.

Deferred.

1661. Jan. 1 Parliament Its character

The parliament was opened by Middleton, with a ſplendor to which the nation had been long unaccuſtomed. The elections had been ſecured by the chancellor's management. Obnoxious candidates were impriſoned or ſummoned to appear as delinquents; and the nobility vied with the com-

[3] Woodrow's Hiſtory of the Sufferings of the Church of Scotland, vol. i. p. 7. 13. Crawford's Hiſtory, MS. vol. ii. l. 5. 420. Clarendon's Life, ii. 101.

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mons in their devotion to the crown. The original covenanters were moſtly extinguiſhed. A new generation had ariſen under the Engliſh government, inured to ſervitude, educated in penury, or impoveriſhed by forfeitures; and as an indemnity was ſtill ungenerouſly withheld from Scotland, they were either expoſed to puniſhment from their paſt compliances, or inſatiate and eager to procure confiſcations and fines[4]. A new ſpirit appeared in the nation, whoſe fervid genius is ever in extremes; if ſubmiſſive, prone to adulation and the utmoſt ſervility; when attached to civil or religious liberty, fierce, ardent, and enthuſiaſtic in the purſuit. Not a few were eſtranged from the ſevere morals which the covenant preſcribed; but the intemperance and exceſſes of the royaliſts were offenſive to the people, whoſe diſguſt was increaſed by an unforeſeen diſaſter which the nation incurred. The crown and ſceptre had been ſecreted, during the uſurpation, in the North; but the public records, which Monk had removed to London, were detained by Clarendon till the ſummer had elapſed, to diſcover the original covenant and declarations which the king had ſubſcribed. They were ſhipped for Scotland after a fruitleſs ſearch; but the veſſel was wrecked in the winter ſeaſon, and the records of the kingdom were irrecoverably loſt. A diſaſter which it is impoſſible to eſtimate is naturally exaggerated, and we deplore the loſs of thoſe hiſtorical

Loſs of the public records.

[4] Baillie, ii. 449. Woodrow, i. 21. Kirkton's Hiſtory of the late Revolution in the Church, MS. Advocates' Library.

memorials

memorials which escaped the destructive policy of Edward I. Yet if a few historical records have perished, an impure and enormous mass of judicial proceedings does not deserve regret [5].

Prerogative restored.

The first consideration, when the parliament proceeded to public business, was to restore and assert the prerogative to its full extent. The chancellor was received as official president; the nomination of judges, counsellors, and officers of state, was declared a branch of the divine prerogative, inherent in kings. The command of the militia, the power of declaring war, the right to summon or dissolve conventions, parliaments, and public assemblies, were acknowledged to reside in the crown alone, and as the happiness of the people consists in maintaining the prerogative entire, to oppose or impugn the authority of the act was converted into treason. Illegal convocations, leagues, and bonds, were severely prohibited. The covenant was indirectly repealed, by an act to prevent its renewal without the king's consent. His supremacy was indirectly established by an oath of allegiance, that the sovereign was supreme governor in all cases, over all persons, ecclesiastical and civil; and although the chancellor protested that no authority was implied in communion or in discipline, the presbyterians demanded in vain, that the explanation, supreme *civil* governor, should be inserted in the oath. An ample recognition of the prerogative was required from persons in public office;

[5] Woodrow, i. 18. Burnet, i. 157. Ayloff's Calendars of Charters, p. 354.

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but the oath of allegiance was impoſed indiſcriminately, as a fruitful ſource of perſecution, on all perſons, at the pleaſure of the council, under the penalty of incapacitation from public truſt. Inſtead of the monthly aſſeſſments exacted by Cromwell, an exciſe of forty thouſand pounds a-year was conferred on the king for life, to preſerve the public tranquillity by a military force [6]. To reſtore the prerogative of which the crown had been deſpoiled, was perhaps unexceptionable; but in theſe acts, the late proceedings of the nation was indiſcriminately condemned, and the prerogative was magnified by rhetorical flouriſhes, to the moſt exalted deſpotiſm.

Former parliaments reſcinded from the beginning of the civil wars.

The commiſſioner had been ſelected as exempt from ſcruples, and although his natural violence was heightened by intemperance [7], an obſequious parliament was prepared to yield to his moſt extravagant demands. The lords of articles became impatient and tired of particular reverſals. But there were two parliaments whoſe acts it was difficult, yet neceſſary to repeal, in order to abſolve the king from his promiſe to preſerve the eſtabliſhed church. His father had preſided in the one, and himſelf in the other. The preſbyterian church was confirmed by the acts of both; the repeal of which might

[6] Parl. 1661, ch. 5. 7. 11, 12. 14. 34.

[7] Middleton was of a good family in the North, but of no eſtate; and roſe from a pikeman in Hepburn's regiment in France. Kirkton, MS. His father was murdered, ſitting in his chair, by Montroſe's ſoldiers, when they overrun the country in 1645. Woodrow.

excite

excite a ſpirit of remonſtrance, ſufficient to deter the king from the introduction of prelates. A general *reſciſſory* act was ſuggeſted, to annul the parliaments themſelves, from the year one thouſand ſix hundred and thirty-three, as injurious to the prerogative, or defective in form; and a propoſal made in jeſt, was adopted in earneſt, from the feveriſh intoxication of Middleton and his friends. The conſtraint under which the crown was ſuppoſed to labour, had no place in the parliament held in one thouſand ſix hundred and forty-one, when the late king attended, and ratified its acts from choice; the parliament in one thouſand ſix hundred and forty-eight was choſen and directed by his particular inſtructions, to confirm the engagement. But the commiſſioner maintained that the former had been held in the interval between two rebellions, when the neceſſity of affairs, without any perſonal violence, had impoſed a real conſtraint on the king; while the latter, to conciliate the fanatics, had entered into the engagement on ſuch hypocritical terms, that its whole proceedings deſerved to be condemned. Notwithſtanding a vigorous oppoſition from Crawford, Caſſils, Loudon, and the old covenanters, the act was approved by a large majority, and ratified without expecting inſtructions from court. The covenants, and the laws that eſtabliſhed preſbytery, were virtually repealed; and with ſome improper limitations on prerogative, every conſtitutional barrier was thus removed. But the act was more pernicious ſtill, as a precedent deſtructive of all ſecurity in government,

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ment, and of all confidence between the people and the king. The laws were open, they affirmed, if defective, to amendment and review; but if one parliament, under the pretext of fear, or the neceſſity of public affairs, can reſcind another, the firſt principles of government are ſubverted. A future legiſlature may annul the preſent, on the ſame pretext that the preſent abrogates thoſe whoſe public treaties and indemnities, which are ever to be reputed ſacred, were confirmed by the crown [8].

Exceſſes of the times.

Theſe times are deſcribed by Burnet as mad and riotous; full of extravagance, for the men engaged in public affairs were almoſt perpetually drunk. The moſt important and violent acts, that reverſed the former conſtitution and government, are explained by the conſtant intoxication of miniſters; and the commiſſioner often appeared ſo drunk on the throne, that the parliament was adjourned. The moſt licentious intemperance and exceſs of debauchery were termed loyalty, gravity, ſedition [9]; and the trial and attainder of delinquents, was perhaps the only ſubject that engroſſed the ſerious or ſober conſideration of the eſtates.

Trial of Argyle.

When the king was reſtored, on the promiſe of an amneſty to his Engliſh ſubjects, no indemnity was promiſed or propoſed for Scotland; and it was deemed expedient that the nation ſhould ſtill remain at the mercy of the crown. Argyle, encouraged by ſome equivocal expreſſions of Charles,

[8] Parl. 1661, ch. 15. Burner, i. 168. Baillie, ii. 451.
[9] Burnet, i. 174. Kirkton, MS. 16. 30.

had

had repaired privately to court, but the royaliſts who graſped at his poſſeſſions, were apprehenſive of a crafty, inſinuating ſtateſman, whoſe former credit with the king might revive. On demanding admittance to the royal preſence, he was committed to the Tower, and accuſed of a ſecret acceſſion to the murder of the late king. His trial was remitted to Scotland, where he was produced and arraigned in parliament on ſeparate indictments of oppreſſion and treaſon. The ſeverities inflicted on the royaliſts during the civil wars, the cruelties retaliated in the adherents of Montroſe, were accumulated in his indictments. He was accuſed as the author of every national act from the commencement of the wars; as an acceſſory to the ſurrender and execution of the king; and an actor under the late uſurpation, in oppoſition to thoſe who appeared for the crown. His defence was vigorous and plauſible at leaſt, if not always juſt. He affirmed that the atrocities imputed to his clan were partly fictitious, partly exaggerated [10]; committed during his abſence in England, from the violence of the times; and that a cruel revenge was to be expected from his people, whoſe country had been twice waſted with fire, and devoted to

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1661. Feb. 13.

His defence.

[10] We may judge of the extravagance of the charge, and the fanaticiſm of the accuſers themſelves, from a fact aſſerted in his firſt indictment; that a tree on which thirty-ſix of his enemies were hanged, was immediately blaſted, and when hewn down, a miraculous and copious ſtream of a bloody hue, with which the earth was deeply ſaturated, was emitted for ſeveral years from the root. State Trials, ii. 422.

the

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the ſword. His tranſactions during the war were conducted under the authority of the legiſlature, to whom the ſurrender of the king muſt be aſcribed; but his public tranſactions were protected from inquiry, by the act of oblivion, paſſed in conſequence of the treaty of Rippon, and the indemnity granted by Charles in the parliament at Stirling, of which the records were loſt, but the memory was ſtill recent in the minds of men. His compliance with the late uſurpation was neceſſary for his preſervation, or excuſable from the contagious example of the times. While reſiſtance was practicable he was the laſt to ſubmit; but his ſolitary reſiſtance, after the nation had ſubmitted to a conqueror, would neither have ſecured himſelf, nor reſtored the king. From his peculiar ſituation in life, more than a paſſive compliance was required for his preſervation; and if to mitigate the oppreſſion of his country, he was returned a member to Richard's parliament, the recognition of a power *de facto*, and without his aſſiſtance in poſſeſſion of the government, never implied an acknowledgment of its original title; much leſs a treaſonable oppoſition to the rightful heir, while excluded from the throne. "What could I think," he exclaimed, "or how ſuppoſe, that theſe unhappy compliances "were criminal, at the time when a man ſo learned "as his majeſty's advocate received the ſame oaths "to the commonwealth with myſelf." Sir John Fletcher, lord advocate, interrupted and reviled him in the moſt opprobrious terms, but he calmly replied, that he had learned in his afflictions to endure

endure reproach; and perceiving his ruin predetermined, demanded, but was denied permiſſion to ſubmit implicitly to the mercy of the king [11].

Condemned to death,

During this important trial, the moſt ſolemn which the nation had ever witneſſed, lord Lorn was employed to ſolicit favour for his father at court. He procured a royal mandate, not to proſecute any public offences previous to the indemnity granted at Stirling, nor to pronounce a ſentence, till the whole trial was ſubmitted to the king. The firſt part of the order was imperfectly obeyed; the laſt, as expreſſive of a miſtruſt in parliament, was recalled. The commiſſioner, anxious that Argyle ſhould ſuffer as a regicide, to prevent the reſtitution of his family to his eſtate and honours, undertook the management of the debate in perſon, which he conducted as if forgetful of his own dignity, or the decency requiſite in a public character. From the ſecret conſultations held with Cromwell, when invited to Scotland to ſuppreſs the engagement, he concluded that the interruption of the treaty at Newport, and the execution of the late king, had been concerted with Argyle. An attainder founded on ſuch weak and remote preſumptions, was abhorred by many, and oppoſed by preſident Gilmour with a force of argument that compelled the reluctant parliament to exculpate Argyle from all acceſſion to the death of the king [12]. Nothing but his compliance with the uſurpation re-

[11] State Trials, ii. 418. vii. 379. Woodrow, i. 42.
[12] Id. 54. Burnet, i. 174.

mained.

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mained. While his conviction was ſtill uncertain, Monk, with his accuſtomed baſeneſs, tranſmitted to parliament ſome confidential letters from Argyle, expreſſive of a cordial attachment to the protector's government [13]. They arrived after the evidence was finiſhed, but were read by Middleton in the midſt of the debate. The perfidious friendſhip of Monk, and the violation of every judicial form, excited general indignation; but the unexpected appearance of Argyle's correſpondence ſilenced his friends, who withdrew from an unavaling oppoſition to his fate. Sentence of treaſon was immediately pronounced. He was condemned to be beheaded within two days, and his head affixed to the public priſon, to replace that of Montroſe, for whoſe remains a ſplendid funeral was ordained. He requeſted in vain a reſpite of ten days, till his ſentence was communicated to the king, and complained in the ſpirit of enthuſiaſm, "I have placed "the crown upon his head, and this is my reward! "but he haſtens me to a better crown than his "own; nor can you deprive me of that eternal "indemnity which you may require yourſelves."

May 25.

And executed. May 27.

The interval between his ſentence and execution was ſpent with the clergy, in religious exerciſes, and he prepared for death with a fortitude not expected from the natural timidity of his character. On the morning of his execution, he wrote a letter to the king, to vindicate his own memory and implore protection for his ſon. He dined with his

[13] See NOTE I.

friends

friends at noon, before aſcending the ſcaffold, and was accompanied by ſeveral of the nobility to the place of execution. His appearance on the ſcaffold was ſolemn but intrepid. He ſpoke in vindication of his own innocence, deplored the times that were likely to enſue, and exhorted the people to ſuffer rather than offend againſt their conſcience, or abandon the covenant. After an interval of devotion, he ſubmitted his neck to the block, and his head was ſeparated by the deſcent of the maiden [14].

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The public hatred which he had incurred while alive, was converted into general commiſeration at his death. His attainder was juſtly imputed to the enmity, his precipitate death to the impatience and inſatiate deſire of Middleton to procure a gift of his titles and eſtate; and as happens wherever a ſtateſman ſuffers, whether from national juſtice or revenge, his execution ſerved to exalt and relieve his character, from the obloquy which would have continued attached to it had he been permitted to ſurvive. His letters to Monk are loſt, and the records of his trial have been carefully deſtroyed. But we diſcover from Thurloe's papers, that he was obnoxious to Cromwell and to Monk himſelf, as a ſuſpected royaliſt, and excluded during the uſurpation, from employment or truſt [15]. Under a jealous uſurpation, profeſſions of the moſt zealous attachment were requiſite for the preſervation of a ſuſpected royaliſt; and we muſt conclude that

His ſentence.

[14] Woodrow, i. 51. 157. Kirkton, MS. 26. Burnet, i. 179.
[15] Thurloe's State Papers, vi. 341. vii. 584.

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the letters employed for his deſtruction were neceſſary to appeaſe the ſuſpicions or reſentment of Monk. His original ſhare, as a chief inſtrument in the civil wars, of which he was not convicted, is repreſented as ſome apology for the ſentence on which he was executed; but the apology becomes the more dangerous as a pretext that is never wanting for judicial murder. Originally driven into rebellion, by an inſidious plan to invade and deprive him of a large part of his eſtate [16], he incurred the imputation of whatever violent meaſures it was neceſſary to tolerate, or impoſſible to prevent. But his character, impartially examined, was that of a better patriot than a ſubject, more attached to the national religion than to the intereſts of the crown. His ambition was regulated by habitual prudence, penetration, experience, and conſummate addreſs; but his ſagacity was not always exempt from enthuſiaſm; his prudence was apt to degenerate into craft, and the apprehenſions which his ſubtle dexterity excited, occaſioned his deſtruction. His ſervices in the recall of Charles to Scotland, deſerved a better fate; but his enemies were diſappointed by Lauderdale's interceſſion, and his ſon was afterwards reſtored to a part of his titles, and the poſſeſſion of his eſtate.

And character examined.

Guthry executed. June 1.

The next was Guthry, a clergyman accuſed of framing or promoting the weſtern remonſtrance, and proteſting againſt the authority of the king, or the interpoſition of the council, in eccleſiaſtical

[16] See vol. i. p. 147.

affairs.

affairs. To decline the authority of either was treaſon, but the puniſhment, from its undue ſeverity, had never been inflicted; and the offence itſelf, if aggravated by the violence of his publications, was extenuated, and ought to have been obliterated, at the diſtance of ten years, by his reſolute oppoſition to the uſurper's government. But his real crimes were a ſentence of excommunication which he had formerly pronounced againſt the commiſſioner, and the report of ſome perſonal indignities which he had offered to the king. His defence was firm, yet pronounced with ſuch pathetic effect, that many withdrew from a concern in his ſentence or death. He was executed with an obſcure deſerter, and died with that unſhaken fortitude and contempt of life which enthuſiaſm inſpires. Rutherford was removed by an opportune death; Gilleſpie and other remonſtrants were preſerved by a confeſſion of their guilt. Wariſton, who had eſcaped to the continent, was attainted, and Swinton, who had turned quaker, acknowledged his offences with ſuch ingenuous contrition, that he was recommended to mercy, but deprived of his eſtate [17].

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The parliament was at length adjourned, and the government again veſted in the privy council. At once a court of juſtice and a council of ſtate, in which policy muſt ever predominate over the laws, the inſtitution neceſſarily became tyrannical;

Parliament adjourned. July 12.

[17] Kirkton, MS. Crawford, MS. Woodrow, i. 68. Burnet, i. 180. Baillie, iv. 453.

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the judicial functions were united with the executive powers of the ſtate, and a legiſlative authority not unfrequently aſſumed.

Revival

The commiſſioner was not leſs ſolicitous to gratify Clarendon's zeal, on whoſe friendſhip he depended, than to ſtrengthen his own intereſt in parliament, by the introduction of prelates. On his return to court, he repreſented that the times were propitious, and the nation not averſe to the revival of their order; and that the attempt ſhould be made during the preſent fervor which the reſtoration had excited, before the preſbyterians obtained an indemnity to relieve their fears. His aſſertions were implicitly confirmed by Sharp, but the king, who had obſerved the former repugnance of the nation to eccleſiaſtical pre-eminence, was ſtill indifferent or averſe to a change. His mind was ſecretly impreſſed with the artful, yet judicious ſuggeſtions of Lauderdale, that epiſcopacy was recommended by none but thoſe who ſolicited preferment; that the introduction of prelates, in oppoſition to public and inveterate prejudices, might alienate the nation, which it was his intereſt to conciliate; and that the preſervation of their order, inſtead of contributing to the authority, would require the conſtant ſupport and protection of government. But his Engliſh and Iriſh miniſters, Clarendon and Ormond, affirmed that it would be very difficult to preſerve the epiſcopal church, eſpecially in Ireland, from the fury of the diſſenters, unleſs the example of preſbytery were removed from their view. Amidſt ſuch diſcordant ſenti-

ments, the propriety of the attempt was referred to the privy-council of Scotland, where the impriſonment of the earl of Tweedale, for his oppoſition in parliament to the execution of Guthry, had repreſſed all freedom of opinion or debate. Glencairn the chancellor, who propoſed an humble and moderate epiſcopacy, procured a report that the intended change would give general ſatisfaction; and the revival of the hierarchy was no longer deferred. When Lauderdale was admoniſhed by Charles, that the preſbyterian religion was unfit for a gentleman, and improper to be continued, that obſequious politician urged, with an inſidious violence, the innovation which he could no longer prevent, and thus the intolerant bigotry of Clarendon, the ambition of ſome, and the aſſentation of others, betrayed the king into the moſt pernicious meaſures of the two preceding reigns [18].

And conſecration of prelates.

The ſuffragan biſhops were recommended by Sharp, on whom the metropolitan ſee of St. Andrews was beſtowed. But as Sydſerf alone, of the former prelates, ſurvived at the reſtoration, it was neceſſary to reſort again to the Engliſh church, for that apoſtolical ſucceſſion which a ſingle biſhop is unable to confer. Had the reſtoration been delayed for a few years, the Engliſh church might have expired herſelf with her aged prelates; and the nation, reduced to a dire dilemma, muſt have acknowledged the preſbyterial ordination to the prieſthood as valid, or ſolicited a new conſecration

[18] Woodrow, i. 96. Burnet, i. 187.

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1662.

from the Romiſh fane. But her danger did not inſpire moderation. At the conſecration of Spotiſwood, the ſubordinate orders of prieſthood had been conferred or ſupplied by the epiſcopal character; but Sharp and Leighton were required, before they were conſecrated, to ſubmit to epiſcopal ordination, as deacons and prieſts. The ordination of Fairfoul and Hamilton was ſtrictly canonical, and the four biſhops were diſmiſſed, when duly conſecrated, to propagate the apoſtolical order in Scotland. They were received and conducted to the capital, by the chancellor and nobility in ſolemn proceſſion. No mark of external reſpect or pomp was omitted, to impreſs the people with veneration and eſteem. When the parliament was reſumed, they were invited by a deputation from each eſtate, and introduced in triumph to their ancient ſeats. But their revenues were inadequate to their rank: their characters were unequal to the ſtations to which they were unexpectedly preferred. Leighton, the moſt learned and reſpectable of their number, united the moſt devout and aſcetic virtues, with an indulgent charity and extenſive toleration. But the reſt were remiſs in the diſcharge of their functions, and diſtinguiſhed rather by zeal than ſanctity; the violence of Sharp was no longer diſguiſed; and they were deſtitute of moderation and talents, to recall and conciliate a diſaffected church [19].

[19] Burnet, i. 191. 200—5. Baillie, ii. 460. Woodrow, i. 101—14, 15.

The

1662. Epiſcopal government, May 8th.

The ſecond ſeſſion of parliament commenced with the government of the church, the regulation of whoſe external polity, according to the eſtabliſhed laws and the advice of biſhops, was transferred to the king. The authority of preſbyteries, provincial and general aſſemblies, was annulled. The prelates, releaſed from every reſtraint but the advice of miniſters whoſe prudence or loyalty they might chooſe to conſult, were reſtored to the plenitude of their former privileges, to the ſupreme and excluſive juriſdiction in eccleſiaſtical affairs. The covenants were repealed and abjured as unlawful oaths; and whatever might tend to excite a diſlike to the prerogative, ſupremacy, or epiſcopal government, was puniſhed as ſedition. The rights of patronage were revived. The clergy admitted ſince its abrogation, were deprived of all title to their livings; and required, within four months, to procure a preſentation from their patrons, and collation from the biſhops; to acknowledge their authority, and attend their viſitations and dioceſan ſynods. The prelates introduced by James, had aſſumed nothing more than precedence, a ſhare in ordination, and a negative voice in the aſſemblies of the church. The clergy continued to meet in preſbyteries, and as there was no remedy, ſubmitted to an uſurpation which might innovate, without annulling the conſtitution or authority of their eccleſiaſtical courts. While they ſat with their biſhops, upon different principles, in the ſame tribunals, their oppoſition was confined within their own walls, or ſuffered to

Eſtabliſhed by parliament.

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evaporate in idle proteſtations, and, amidſt all the viciſſitudes of government, the unity of the church was at leaſt preſerved. But in theſe acts, from the violent and precipitate ambition of Sharp, the foundations of epiſcopal government were inverted, and the whole power was transferred to the prelates. When the preſbyteries and other judicatures were firſt interrupted, and then held as dioceſan aſſemblies, the old and rigid preſbyterians refuſed to ſit or aſſiſt as the biſhops officials, and prepared to ſecede. They proteſted that it was hard indeed to ſubmit to his authority, but impoſſible, without violence to their conſcience, to acknowledge the exorbitance of his epiſcopal power. Men of the former epiſcopal perſuaſion, were diſſatisfied at the exemption of the biſhops from eccleſiaſtical control; and an imperious ſyſtem of eccleſiaſtical polity, to which the nation was averſe, and only to be reconciled by lenient meaſures, was univerſally diſapproved [20].

Act of indemnity.

When epiſcopal government was thus eſtabliſhed, an act of indemnity and oblivion was no longer deferred; if an act more oppreſſive than indulgent can deſerve that name. An unconditional indemnity was recommended by Lauderdale, as the ſufferings of the nation, ever ſince the engagement, and its ſervices to promote the reſtoration, were entitled to the ſame indulgence and grace with England. Unhappily Middleton's repreſentations prevailed at court, that the royaliſts were impove-

[20] Woodrow. Burnet, i. 203.

riſhed

riſhed or ruined by their adherence to the crown, whoſe revenues were anticipated, or inſufficient for their relief; and that no means remained to reimburſe their loſſes, unleſs their enemies were equitably amerced for rebellion. Some unavailing limitations were enjoined, that no fines ſhould be impoſed beyond their annual revenues, or for offences committed previous to the parliament at Stirling; and an additional exception from the indemnity was unwarily admitted, on Middleton's aſſurances that the parliament was deſirous to incapacitate a few obnoxious delinquents from public truſt. The indemnity was no ſooner introduced into parliament, than a committee was appointed to determine the number of offenders, and the amount of their fines; but the members were ſworn to ſecrecy, not to a faithful diſcharge of their truſt; and it ſoon appeared that they were actuated by the worſt paſſions of avarice and revenge. Their ears were open to accuſations alone. In the promiſcuous choice of offenders, no proof was admitted of innocence; no inquiry nor intimation was made of their guilt; no computation was even taken of their eſtates; but their names, as ſoon as accuſed, were inſerted in an arbitrary liſt of fines. The moſt obnoxious offenders compounded in ſecret. Of ſuch as were innocent or ignorant of their offences, a liſt of nine hundred were reported to parliament, whoſe fines amounted to eighty-five thouſand pounds. Some were dead, or had reſided abroad during the civil wars; others were infants; but to every objection there

Fines.

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was a prompt reply; that the penalties were a compoſition for an indemnity which the innocent might relinquiſh, and, at their own peril, procure an exemption when purſued for their fines. Innocence, under a deſpotical government, was a dangerous alternative that would be embraced by none; but the fines which Middleton and his friends expected were intercepted by his fall, and as a ſubject of future oppreſſion reſerved for the crown[21].

Lord Lorn condemned for leaſing-making.

But the avarice of Middleton was inſatiable; and his revenge was neither reſtrained by prudence, remorſe, nor fear. The eſtate and titles of Argyle were ſolicited by his ambition, and the deſtruction of that unfortunate family was the object of his eager, unrelenting purſuit. Lord Lorn, in a confidential letter from court to his friend lord Duffus, had complained, perhaps with an unguarded freedom, of the calumnies employed to injure his credit with the king; but that he had diſcovered and defeated his enemies, and gained the man (the earl of Clarendon) on whom their leader (Middleton's) dependence was placed. The letter was intercepted by Middleton; and at the requeſt of parliament, Lorn was remanded to Scotland for trial. It was peculiar perhaps to the Scottiſh juriſprudence, to prohibit the arts of court defamation as *leaſing-making*, and to puniſh the complaints of the ſufferers as ſedition. As the complaint of calumnies, induſtriouſly conveyed to the royal ear, was calculated to excite ſedition, or to ſow diſſen-

[21] Burnet, 211.

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sions between the king and the people, Lorn, on his arrival, was arraigned on those old and tyrannical laws; and on his implicit submission to the mercy of the sovereign, for defence was unavailing, the same parliament, which in the preceding session had condemned his father, pronounced a similar sentence of death on the son. Aug. 26. His execution was referred to Middleton, his implacable enemy; but his life was preserved by the injunctions of Charles, that no sentence should be inflicted without permission from court. But an act of unexampled severity was passed, to prohibit all intercession for the children of persons attainted in parliament, and to render them incapable of being restored by the king to their titles and estate. No penalty was annexed to the act. It was an approved maxim among the advocates for prerogative, that to specify the punishment imposed an undue limitation on the crown, but that a prohibitory act without a penalty, might extend to whatever arbitrary punishment was inflicted, less than death [22].

Act of balloting.

Having persuaded the king that the parliament was desirous to incapacitate a few obnoxious delinquents from public trust, Middleton artfully infused into parliament, that the king was secretly disgusted at Lauderdale, and solicitous of such a decent pretext for his removal from office. An

[22] Burnet, 215. Woodrow, i. 235—8. Kirkton, MS. 22. 38. Brown's Miscellanea Aulica, 209. See in Sir G. Mackenzie's Works, i. 401, an instance of this doctrine.

act

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act was prepared for the incapacitation of twelve perſons by ballot, the reſult of which was to be ſcrutinized by a ſecret committee, nor divulged to parliament till approved by the king. The members were previouſly inſtructed how to frame their liſts; and the earls of Lauderdale and Crawford were diſqualified, among others, from public truſt. The mail was diligently inſpected; the ſtages were ſecured, to prevent the ſecret from tranſpiring at court, but lord Lorn tranſmitted the intelligence by private roads, and requited Lauderdale for the preſervation of his life. Before the arrival of the commiſſioners from parliament, the king and Clarendon were prepoſſeſſed againſt the report which was indignantly rejected; and the advantage was improved and purſued by Lauderdale to his rival's diſgrace. If public employments were ever conferred, puniſhments never were inflicted by ballot. But by a deception alternately practiſed on the parliament and the king, an inviſible judgment was pronounced by ballot, in which the malice of his enemies was ſecurely gratified, and a puniſhment not leſs ſevere than iniquitous, was diſpenſed without accuſation or proof, and without intimation even of the impending danger[23]. Clarendon acknowledged that the meaſure was inexcuſable, but endeavoured to preſerve his friend from diſgrace, and until the king's anger ſhould ſubſide, adviſed

[23] Miſcellanea Aulica, 213. Lauderdale's charge againſt Middleton is written with a vigour and eloquence ſeldom to be found in ſtate papers; and conveys an advantageous idea of his talents.

him

him to proceed with diligence to enforce the laws so recently enacted for the preservation of the church. BOOK VII. 1662.

When the bishops held their diocesan synods, most of the ministers submitted in the north. In the western counties their resolution not to observe the acts, nor acknowledge, by any canonical obedience, the jurisdiction of the prelates, was confirmed by the patient fortitude of the numerous clergy, whom the act of uniformity had ejected in England. They concerted measures to avoid offence to the state if tolerated, but if silenced, to submit at once to the injunctions of the council; and expected, from the desolate state to which the church would be reduced, that if they stood and suffered together, they would be soon replaced. But the same example had instigated the fierce disposition of Middleton, to retrieve his declining credit at court by adopting the most exceptionable, and perhaps the only measure in the administration of Clarendon, which attaches to his memory an indelible stain of duplicity and persecution. In a progress through the western counties, an act of council was framed in a fit of absolute intoxication at Glasgow. Whatsoever ministers had neglected or declined to procure presentations from their patrons, and induction from the prelates, were ordained to remove from their parishes, or to be displaced if necessary by military force. Three hundred and fifty clergymen were ejected from their livings; above a third part of the church was displanted, and the tears excited by their valedictory sermons, were due

Clergy ejected.

Oct. 1.

Nov. 1.

BOOK VII. 1662.

due to their ſufferings, when expelled from their homes in the winter ſeaſon; deprived of their ſtipends for the preceding year; and with their numerous families left deſtitute of ſupport. The commiſſioner imagined that the greater number would ſolicit indulgence or collation from their ordinaries, while the reſiſtance of a few zealots would juſtify the ſeverities which he was prepared to inflict. Their unexpected ſubmiſſion diſappointed, but did not diſarm his reſentment. The moſt diſtinguiſhed clergymen were ſelected for perſecution, on the recent oath of allegiance to the king. However willing to acknowledge that his majeſty was ſupreme *civil* governor in eccleſiaſtical affairs, their explanation of the oath was rejected, and as no penalties were annexed to the act, they were either confined to remote diſtricts, or ordained to baniſh themſelves from the kingdom for life. But the expulſion of the weſtern clergy excited loud diſcontent. Their auſtere and exemplary deportment was univerſally reſpected. They were connected by conſanguinity or marriage with the principal families, and from their endearing familiarity, and fervent devotion, were beloved by the people. The moſt ignorant or vicious of the clergy, the very refuſe of the northern parts, were ſummoned by a general invitation, and eaſily admitted to the benefices of the weſt. But the negligence or irregular conduct of the new incumbents was ill calculated to remove the prejudices of the people; and the few who were above contempt, but from their violence beneath eſteem and reſpect, were

were equally deteſted as the others were deſpiſed. The people rejecting the inſtructions of the *curates*, ſeceded in ſearch of the ſpiritual manna, that deſcended no longer around their tents. Each Sunday they abandoned their church and their pariſh in a body, to attend the worſhip of their former paſtor; and as his habitation was too ſmall or remote for their reception, conventicles firſt began to be held in the fields. The ſeverities of the privy council were proportionably augmented. The ejected clergy were prohibited to approach within twenty miles of their former pariſhes, within ſix of Edinburgh, or a cathedral church, or within three miles of a royal borough; and when the means of earning their ſubſiſtence were interdicted, the common offices of humanity were proſcribed, and the people were forbidden, under the ſame penalties of ſedition, to contribute to their ſupport [24].

1663. Origin of conventicles.

From his riotous exceſſes, the adminiſtration of Middleton had become juſtly contemptible, and from his ſeverities odious; but the removal of an imperious miniſter ſeldom proceeds from the ſufferings or complaints of the people. The accuſation preferred by Lauderdale, might have failed, had not Middleton's own indiſcretion accelerated his diſgrace. His ſervices were magnified by the prelates, and on his return to court, he found powerful interceſſors in Clarendon, Sheldon the primate, and Monk. But the king was incenſed at

Middleton's diſgrace.

[24] Burnet, i. 221—1. Woodrow, i. 145—55—63. 205. App. 18. Kirkton's Manuſcript, 44.

His

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his preſumption in countermanding an order procured and tranſmitted by Lauderdale to the privy-council, to prolong by proclamation the term preſcribed for the diſcharge of fines. His diſgrace produced general ſatisfaction, but the national joy was of ſhort duration. His ſucceſſors proved more imperious, and worſe than himſelf. Rothes was appointed commiſſioner to parliament, and attended by Lauderdale, to whom he was viſibly ſubordinate; but Lauderdale himſelf was dependent on the prelates, and compelled to yield to their moſt furious demands [25]. Originally not leſs attached to the covenant than at preſent to the court, he engaged in its meaſures with the zeal of a proſelyte; determined that no compliance ſhould be omitted to promote his ambition or preſerve his place. His perſonal appearance is perhaps ſatirically deſcribed as enormous and uncouth; his hair was red and diſhevelled; his tongue too big for diſtinct articulation; his addreſs ungracious, and his manners coarſe, boiſterous, and unſuitable to the faſtidious refinement of a court. During a long impriſonment, his mind had been carefully improved by ſtudy, and impreſſed with a ſenſe of religion which was ſoon effaced on his return to the world. His learning was extenſive and accurate; in public affairs his experience was conſiderable, and his elocution copious, though unpoliſhed and indiſtinct. But his temper was dark and vindictive, incapable

Lauderdale miniſter.

His character.

[25] Clarendon's Life, ii. 96. 105. Hiſt. ii. 582. iii. 124. Burnet, i. 143.

of

of friendſhip, mean and abject to his ſuperiors, haughty and tyrannical to his inferiors; and his judgment, ſeldom correct or juſt, was obſtinate in error, and irreclaimable by advice. His paſſions were furious and ungovernable, unleſs when his intereſt or ambition interpoſed; his violence was ever prepared to ſuggeſt or to execute the moſt deſperate counſels; and his ready compliance preſerved his credit with the king, till his faculties were viſibly impaired with age. 1663.

When the parliament reaſſembled, Middleton's friends were removed from the articles, and the former mode of election revived. The prelates ſelected eight peers, who appointed eight prelates in return; the ſixteen aſſumed an equal number of barons and burgeſſes, to whom the officers of ſtate were ſuperadded; and from the ſervility of the prelates, the nomination of the articles, and the independence of parliament were reſigned to the crown. An act was paſſed at their inſtigation, againſt diſobedience to eccleſiaſtical authority, and ſeparation from church. The clergy, ejected or ſilenced by their biſhop, were puniſhable as ſeditious if they preſumed to preach. On their ſeparation or abſence from their pariſh church, landholders forfeited a fourth part of their rents, tenants and citizens a fourth part of their ſubſtance, the freedom of their corporations and the privilege of trade; and were ſubjected to whatever corporal puniſhment the privy council might chooſe to inflict [26]. Parliament. June 18.

[26] Parl. 1663. ch. i. 2. The act againſt ſeparation preceded, and appears to have ſuggeſted the act againſt conventicles in England, paſſed 1664.

A decla-

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A declaration framed in the preceding ſeſſion, to abjure the covenant and renounce the right of reſiſtance, was confirmed by the ſame ſevere penalty of incapacitation, and the loſs of the privilege to trade; but the experience of every age may demonſtrate, that the moſt ſolemn diſavowal will never prevent the reſumption of thoſe rights which are deemed inalienable [27]. An army of twenty-two thouſand horſe and foot was offered, not for internal defence, but to march wherever the ſovereign might require. To enhance the value of his ſervices, Lauderdale propoſed, by this ſplendid offer, to repreſent the real utility and importance of Scotland, if an arbitrary government were introduced into England.

Wariſton's execution. July 22.

Johnſton of Wariſton, who had eſcaped to the continent, and reſided two years unmoleſted at Hamburgh, was diſcovered at Rouen on his removal to France, and delivered up to the reſentment of the Engliſh court. When produced to receive ſentence of death in the preſent parliament, his faculties were ſo much decayed, and his body ſo debilitated by age and ſickneſs, or the treacherous preſcription of the king's phyſician [28], that his incoherent

[27] The declaration of Colville, a preſbyterian clergyman, deſerves to be recorded; that he wiſhed the people to believe reſiſtance unlawful, for the ſake of public tranquillity, but that kings and their miniſters ſhould believe it lawful, and govern like men who might expect to be reſiſted. Burnet, i. 228.

[28] Strange as this circumſtance may appear, it is aſſerted by Kirkton, who attended him in priſon, and intimated in his ſpeech on the ſcaffold, that he was poiſoned at Hamburgh, and drained of ſixty ounces of blood by Bates, author of the Elenchus

incoherent defence afforded a ſubject of cruel deriſion to his enemies, and a melancholy ſpectacle of compaſſion to his friends. His ſentence in ſuch a ſituation, was a reproach to government. Lauderdale durſt not, however, befriend a man revered by the preſbyterians, and againſt whom the king was perſonally exaſperated. His faculties ſeemed to revive on the ſcaffold, where he ſpoke and ſuffered with devout enthuſiaſm. Among the preſbyterians, his lengthened devotions, and zeal for the covenant, had procured a reputation of ſuperior ſanctity, which, as it was confirmed by martyrdom, is ſtill preſerved. But he was a man of no common underſtanding or genius; of an active, violent, and diſintereſted ſpirit, incapable of repoſe; of an extenſive and tenacious memory; indefatigable application; a quick and vivid invention, ever fertile in expedients, a vehement, prompt, and impreſſive elocution; and at a time when the nobility themſelves were ſtateſmen, his political talents raiſed him from an obſcure advocate, to a level with the prime nobility in affairs of ſtate [29].

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The diſſolution of a ſervile, vindicative parliament was acceptable to the people. But the execution of its laws remained, in which the cruelties inflicted

Eccleſiaſtical commiſſion.

chus Motuum, and phyſician ſucceſſively to Cromwell and Charles. Nor is it diſcountenanced by Bates's character, who permitted his friends to boaſt, after the reſtoration, that he had accelerated Cromwell's death by his preſcriptions. Biographia Brit.

[29] Burnet, i. 37. 297. Naphtali. Wariſton kept a minute diary of his life, which, if ſtill extant, would explain the moſt ſecret tranſactions of the covenanters. Kirkton, MS.

BOOK VII. 1664.

by government are hardly conſiſtent with the character of a civilized ſtate. A court of eccleſiaſtical commiſſion was procured by Sharp, conſiſting of nine prelates and thirty-five commiſſioners; but a biſhop, with four aſſiſtants, compoſed a quorum, to which the civil and military officers were all ſubordinate. Neither time nor place was preſcribed for their meetings; and an abulatory court was eſtabliſhed on the principles of the inquiſition; an eccleſiaſtical court, bound by no forms of law, was inſtituted to exerciſe a civil juriſdiction for the preſervation of the church. Its ſummary proceedings were conducted without accuſation, evidence, or defence. The perſons cited were convicted on captious interrogatories, and if legal defences, or ſatisfactory anſwers, were returned to the queſtions, they were puniſhed on their refuſal to receive the oath of allegiance, which was invariably tendered, or to acknowledge the ſpiritual ſupremacy of the king. The violence of Sharp was abetted by Rothes, who overruled the moderation of the temporal judges; and the commiſſion proceeding from impriſonment and ruinous penalties, to corporal puniſhments, appeared to emulate or exceed the ſeverity of the privy council. Every petty or pretended riot was magnified into a conſpiracy againſt the church or ſtate. The gaols were crowded with priſoners; numbers ruined by penalties, ſought a refuge among their countrymen in Ulſter, till at length the people, preferring the danger of outlawry, refuſed, when ſummoned, to attend the commiſſion; the lay commiſſioners re-

fuſed to witneſs its illegal violence, and the commiſſion ſunk into ſuch general contempt, that in two years it was ſuffered to expire [30].

Military perſecution.

But a ſeverer, and more extenſive perſecution was already introduced. The weſtern counties, which continued refractory, were abandoned by government to military oppreſſion wherever the people had deſerted the church. The clergy were the ſole accuſers, the ſoldiers, at once the judges and inſtruments of juſtice, were commanded by Turner an Engliſhman, naturally ferocious and almoſt always drunk. Liſts of recuſants were preſented by the clergy, and the people fined by Turner without examination, were *eaten up* by the military quartered upon them till the fines were diſcharged. The penalties were enormous; the inſolenee and oppreſſions of the ſoldiers intolerable. Neither the old and infirm, nor widowed or orphan indigence, were exempted from fines, which the ſoldiers were permitted to exact at diſcretion, on their abſence from church; and as the landlords were rendered reſponſible for their tenants and ſervants, ſo the tenants were dragooned and ruined by quarterings if their landlords withdrew. Their ſubſtance was conſumed or ſold to diſcharge the penalties; their families were reduced to indigence and diſperſed; and for three years this deſolating perſecution was ſucceſſively reſumed. Additional forces,

[30] Kirkton, 51. Burnet, i. 301—8. Woodrow, i. 192—7—9—223. Cruckſhank's Church Hiſt. i. 183. Crawford's MS. Hiſt. ii. 74.

BOOK VII. 1666.

to prevent the danger of an insurrection so industriously excited, were raised as an additional source of persecution. The fines imposed by the late parliament, which had been frequently suspended, but never entirely remitted by Charles, were appropriated to their support, and levied as usual, by free quarters and military execution. No defence nor exemption was admitted [31]. The complaints of the people were disregarded by government, and chastised by the soldiers. The indigent were dragged to prison, and the public gaols, which the high commission had filled and crowded, were emptied by the transportation of the prisoners to Barbadoes. The commons implored in vain the protection of their superiors, who durst not interpose; and under the influence of Sharp and the prelates, which Lauderdale's friends were unable to resist, the government seemed to be actuated by a blind resentment at its own subjects. Such was the insolence or apprehensions of the prelates, that twenty of the chief gentlemen in the western counties were imprisoned at their instigation for several years, to prevent the danger of an insurrection during the Dutch wars [32].

Insurrection in the West.

The presbyterians had endeavoured hitherto to disarm the resentment of government by submission, but their submission had furnished an ad-

[31] The king is represented by Hume, as endeavouring to mitigate or persuade his ministers to remit one half of the fines. But the fact is that they were levied intire, for his own use. Woodrow, i. 203—6—25—37.

[32] Woodrow, 184—6—99—224—37. App. 86. Burnet, i. 308. Naphtali. Hind let loose, 184.

ditional

ditional pretext to prolong their miſeries, and to juſtify thoſe coercive meaſures to which ſuch prompt, and unexpected obedience was given. Turner, in his third expedition, which continued upwards of ſeven months, had ſpread deſolation and deſpair through the Weſt. Many families were ſcattered and diſperſed. Numbers, both of the gentry and peaſants, were driven from their habitations, to lurk for concealment in moraſſes and mountains [33]. The preſbyterians perceived that their ruin was determined, and their ſufferings had already riſen to ſuch an unhappy extreme, that no conſideration could prevent their reſiſtance, but the improbability of ſucceſs. It is ſaid that their clergy were encouraged to reſiſt, by the confuſion and diſmay which the recent fire of London was expected to create. Their own account is more ſimple and correct. An indigent old man, unable to diſcharge the fines of the church, was bound and extended on the ground, to be conveyed to priſon; but the peaſants, moved with ſudden indignation at this cruel treatment, diſarmed the ſoldiers to procure his releaſe. Deſpair and the apprehenſions of an indiſcriminate puniſhment, increaſed their numbers; and after ſecuring the ſoldiers in the neighbourhood, they ſurpriſed Sir James Turner, who remained at Dumfries with a ſlender guard. He had no mercy to expect from their rage; on examining his inſtructions, however, his ſeverities appeared comparatively ſo mild, that

BOOK VII. 1666.

Nov. 13.

Nov. 15.

[33] Burnet, i. 341. Woodrow, i. 241—83.

BOOK VII. 1666.

his life was preſerved. Their numbers were ſtill inconſiderable, but by the influence of ſome ejected clergy, they were augmented to two thouſand on their arrival at Lanerk. There they renewed the covenant, after a ſolemn faſt, and in a public declaration profeſſed that their allegiance to the king was undiminiſhed; proteſted that their recourſe to defenſive arms was to remove the oppreſſions under which they ſuffered, and demanded that their beloved preſbytery ſhould be re-eſtabliſhed, and their miniſters reſtored. Their commanders were Wallace and Learmont, two obſcure officers, for the principal gentlemen were ſtill impriſoned; but the ſpirit of the country was ſubdued by oppreſſion; and in a fatiguing march towards the capital, inſtead of acquiring ſtrength, they were deſerted by half their numbers in a ſingle night [34].

Nov. 27.

Defeated at Pentland.

Rothes, a few days previous to the inſurrection, had departed for court, and the government remained in the hands of Sharp, whoſe conſternation was extreme. Dalziel, the general, collecting his forces at Glaſgow, purſued the whigs, as the inſurgents were denominated, who approached within a few miles of the capital. But the gates were ſecured and protected by cannon; the neighbouring gentlemen were ſummoned to its defence; the lawyers and principal inhabitants were embodied; and as all egreſs from the city was prohibited, the whigs were diſappointed of the expected aid of their

[34] Burnet, 241—57. Law's Memoirs, MS. Advocates' Library. Kirkton's MS.

friends.

friends. They liſtened to an inſidious ceſſation of arms, till almoſt ſurpriſed; but the proclamation requiring them to diſperſe, contained no offer of indemnity or pardon. Their numbers were reduced to eight hundred, diſpirited and exhauſted by want, diſappointment, and fatigue. On attempting to return by the Pentland hills, they were overtaken by Dalziel, whom they repulſed at firſt in different attacks; but at ſunſet their ranks were loſt, or broken by the cavalry, and they were overpowered and diſperſed. Not above fifty were killed, nor more than an hundred and thirty taken in the purſuit. The reſt were preſerved by the darkneſs of the night, the fatigue of the king's troops, and the compaſſion of the gentlemen who compoſed the cavalry, for their unhappy countrymen, whom oppreſſion had rendered mad and deſperate, but whoſe behaviour during the inſurrection was inoffenſive and mild. The inhabitants in the vicinity were leſs merciful, and many of the fugitives were intercepted and ſlain [35].

BOOK VII. 1666. Nov. 28.

No ſooner were the two archbiſhops releaſed from their terror, than the common obſervation was fully verified, that cowardice and cruelty are ſeldom diſjoined. Whether the public faith is to be obſerved with rebels, whether they ſhould be tried and puniſhed for treaſon, after ſurrendering on aſſurance of quarter, a queſtion which the victorious party muſt ever determine, was agitated in vain. The moſt moderate of the epiſcopal clergy

Executions.

[35] Kirkton's MS. Woodrow, i. 253. Burnet, i. 345.

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1666. urged in vain, that an opportunity had occurred to conciliate the people, by their humane interceſſion for the lives of the priſoners, and their interpoſition to preſerve the country from military oppreſſion. But the prelates, who conſidered revenge as more profitable and uſeful to their order than clemency, indulged or inſtigated the moſt ſanguinary revenge. Burnet, archbiſhop of Glaſgow, propoſed that ſuch as refuſed to abjure the covenant, ſhould be indiſcriminately executed. Sharp, who preſided in council, incited the clergy to inform againſt their pariſhioners, nor were they unwilling or ſlow to perform that diſgraceful taſk. Above twenty of the unfortunate priſoners were executed at Edinburgh; ten on the ſame gibbet, whoſe heads were placed on the city gates, and their right arms ſent for the ſame purpoſe to La-

1667. nerk, where the covenant was ſubſcribed. Thirty-five were executed in the country, at their own doors; and to diſcover the origin of a caſual inſurrection, ſome were inhumanly tortured before their death [36]. Their lives were conditionally promiſed, if they would renounce the covenant, but they died with ſuch exultation, that it was difficult at laſt to procure executioners; they beſtowed ſuch ſolemn teſtimonials on the covenant, that their declarations on the ſcaffold were ſilenced with drums. Executions became ſo frequent, that an order arrived from court to prevent the judicial effuſion of blood.

[36] Kirkton's MS. Mackenzie's Works, ii. 218. Woodrow, i. 257—9. Shields' Hind let looſe, 186.

It

It was withheld from council by the two archbiſhops, till the execution of Maccail, a young preacher, whom they had excruciated to extort a confeſſion of his aſſociates, or of the conſpiracies from which the inſurrection was ſuppoſed to originate. The common inſtruments of torture were boots of iron, within which the leg was compreſſed with wedges. But Maccail endured the torture till his leg was cruſhed and broken; and expired in ecſtaſy on the ſcaffold, exclaiming with a ſublime enthuſiaſm, "Farewel, thou ſun and moon! the "world and all its delights, farewel! Welcome, God "my father! welcome, Chriſt my redeemer! wel-"come, glory and eternal life! welcome, death!" At theſe rapturous exclamations, uttered in a voice and manner peculiarly impreſſive, every eye was ſuffuſed with tears [37]. As if public vengeance were not yet ſatiated, military execution was introduced into the Weſt. The ſeverities which Turner inflicted on the people, were ſurpaſſed by Dalziel and Drummond; officers of a brutal character, inured to cruelty in the Ruſſian ſervice. Some were put to the ſword, or executed on the highway without a trial; others were tortured with lighted matches faſtened to their fingers, to extort confeſſion; and among the atrocities imputed to Dalziel, a ſon was executed becauſe he refuſed to diſcover his father; a woman acceſſory to her huſband's eſcape, was tortured to death [38]. The ſoldiers were indulged

Military execution.

[37] Kirkton's MS. Naphtali.

[38] Id. 67. Burnet, i. 319.

in

BOOK VII. 1667.

in every ſpecies of military exceſs. Rapes, robberies, and murder were committed with impunity, and the priſoners arreſted on ſuſpicion were ſtript and thruſt into crowded, contracted, and unwholeſome gaols. Inſtead of penalties, a ſufficient number of ſoldiers were quartered on recuſants, to ruin or *eat them up* in a ſingle night. The clergy, inſtead of interceding for the people, abetted the crimes of the military with whom they aſſociated, aided or directed their violence, connived at their exceſſes, and amidſt calamities productive of a tranſient conformity, rejoiced at the golden age which the church enjoyed. The weſtern counties were ſubjected for ſeven months to every ſpecies of military outrage, till the appearance of a Dutch fleet in the Forth recalled the troops to the protection of the coaſt [39].

Trials and conviction in abſence,

Nor were the judges permitted to eſcape the infamy of the times. It was an eſtabliſhed maxim, adopted from the Roman law, and even in queſtions of treaſon confirmed by ſtatute, that none could be condemned in abſence, or deprived by outlawry of a legal trial on their appearance in court [40]. A ſalutary maxim, neceſſary to prevent the indiſcrimate proſcription of adverſe parties, was ſo firmly eſtabliſhed, that when trial after death was introduced by ſtatute, the bones of the deceaſed, to preſerve the forms, if not the ſpirit of juſtice, were preſented at the bar; and when decrees

[39] Kirkton's MS. Woodrow, i. 264. Naphtali. Hind let looſe, 186.

[40] Parl. 1587, ch. 91.

of

of *forfaulture* were pronounced in parliament, againſt the abſent, no ſentence was paſſed till they were produced and heard in their own defence [41]. But the gentlemen, whoſe eſtates the government was deſirous to confiſcate, remained concealed or were preſerved by flight; and the authority of the court of ſeſſion was required for their conviction. The officers of ſtate, having privately tampered with the judges, preſented a ſeries of queſtions to the court. Where the treaſon is notorious, if trial be competent after death, why not in abſence? if forfeitures in abſence can be pronounced by the legiſlature, why not by the court of juſticiary, to whom, whatever is juſt in parliament, muſt be equally competent? An obſequious court, in oppoſition to the eſtabliſhed laws of the realm, did not heſitate, on ſuch fallacious deductions, to deliver a ſolemn opinion, that the juſticiary court might proceed, in abſence, to the trial and condemnation of ſuch contumacious traitors as refuſed to appear [42]. Of fifty-five gentlemen arraigned in abſence, above twenty were tried and condemned to be executed whenever apprehended. Their eſtates were conferred on Dalziel and Drummond, or retained by the officers of ſtate to enrich themſelves. Conſcious that the opinion of the civil, and the proceedings of the criminal tri-

Illegal.

[41] Montroſe and Wariſton, though forfeited in abſence, were both heard before ſentence was pronounced.

[42] Mackenzie, ii. 74. Woodrow, i. 286. Arnot's Criminal Trials, 80. Even Mackenzie ſeems to reprobate the opinions and trials as illegal. p. 75.

bunals

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1667.

bunals were illegal, they applied to the next parliament to confirm the ſentence, and enlarge the powers of the juſticiary court. They ſolicited no indemnity nor authority for an illegal puniſhment, recently introduced. The priſoners who refuſed to abjure the covenant, or to ſubſcribe the declaration and oath of ſupremacy, were condemned to tranſportation by the king's inſtructions, and adjudged to ſervitude in the Engliſh plantations. No penalty was annexed to the ſtatute. According to the new maxims of arbitrary government, that to ſpecify the penalty were to limit, not to enlarge the prerogative, tranſportation was thus introduced by the privy council as an adequate puniſhment on the refuſal of the oaths [43].

Tranſportation illegally introduced.

Effects of perſecution.

The ſeverities which I have deſcribed, or ſhall hereafter have occaſion to relate, may excite ſurpriſe and regret, that the government had not yet acquired moderation or lenity from paſt experience, nor diſcovered that perſecution confirms, inſtead of extirpating, the religious opinions or prejudices of the human mind. The inefficacy of perſecution is the diſcovery of ſcience, but the benefits of toleration are the ſlow reſult of the commercial intercourſe, and indifference of men to religious diſputes. Every church is inſpired with the zeal of procuring proſelytes, and unleſs diſarmed by the lukewarm faith of the government and the people, an eſtabliſhed church is ever deſirous to impoſe its tenets by force on refractory ſects. A government

[43] Mackenzie's Obſervations on Stat. i. 461. Woodrow, i. 270.

monopo-

monopolized by an excluſive party, is equally diſpoſed to perſecute the adverſe faction. The natural operation of power is to vitiate the heart; and it is the tendency even of the beſt and moſt refined governments, to relapſe into perſecution, againſt which there is no effectual ſecurity but popular aſſemblies equally acceſſible to every party, and uninfluenced by the government, which they are intended to control. But the royaliſts were a furious and vindictive party, hoſtile to the liberties and religion of the nation. On obtaining the excluſive poſſeſſion of power, they diſpenſed, in a ſingle breath, with the moſt valuable privileges which the nation had recovered; the liberties and triennial ſucceſſion of parliaments, the choice of the articles, the freedom of debate, the independence of the judges; and conſpired to enlarge, and exalt the prerogative till the government became radically and conſtitutionally deſpotical. The prelates by whom the adminiſtration was actuated, were moſtly apoſtates from the preſbyterian church; indifferent to religion; ambitious and intent on the acquiſition of power, which they deemed inſecure and precarious, unleſs ſeverities were daily multiplied for their preſervation. The preſbyterians incapacitated, and excluded from truſt by declarations and oaths, had no means to abate the rigors, and ſcarcely enjoyed the protection, of government. The humanity of their ſovereign, who appeared inſenſible to their ſufferings and complaints, was a feeble reſource. His occaſional interpoſition was partial, tardy, and ſeldom effectual.

On the conſtitution.

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tual. His choice had invariably been fixed on the worſt miniſters, as the moſt devoted to his power; and the preſbyterians had reaſon to lament that their former recall, and their credulous reliance on the word of the king, had reduced the nation under a foreign yoke that terminated in their preſent oppreſſion and ſervitude.

A mild adminiſtration.

The miſmanagement of the Dutch war was productive, however, of an unexpected change in the adminiſtration of Scotland. The violence of the two archbiſhops had been artfully fomented or indulged by Lauderdale, till it reached a criſis deſtructive to themſelves. Their influence had eſtabliſhed a party in the council ſuperior to his friends, and in order to perpetuate their authority, and enrich the commanders of whom their adherents conſiſted, they propoſed to continue the army, and to preſerve a military government in the weſtern ſhires. Their power appeared to be ripe for diſſolution. Towards the concluſion of an unfortunate and diſgraceful war, the king was compelled to mitigate everywhere the rigors of government, and diſpoſed to ſacrifice even his moſt faithful ſervants to the public reſentment. The opportunity was ſeized by the earls of Tweedale and Kincardine, to repreſent the wretched ſtate to which the country was reduced. The chief ſupport of the prelates was loſt by the fall of Clarendon, whoſe exile deſerves to be recorded, like the fetters of Columbus, as a ſignal memorial of the ingratitude of courts. The firſt ſymptom of their decline and diſgrace, was an order for Sharp to retire

to

to his dioceſe from public affairs. Sir Robert Murray, whom the royal ſociety ſhould revere as its father, was appointed juſtice clerk, and the people were pleaſed and gratified, when a judicial office ſo important and dangerous, was conferred on the moſt upright, and accompliſhed character which the nation produced. The appearance of a Dutch fleet in the Forth, while the commiſſioner was abſent in the North, and the army uſeleſsly employed in the Weſt, afforded a decent pretext for the removal of Rothes. After exciting a falſe alarm, the fleet departed to rejoin, and aſſiſt De Ruyter in burning the ſhipping in the river Thames. The abſence of Rothes and the army, at a time when the coaſts were inſulted and the country endangered, was aggravated by Lauderdale to accelerate his removal; and he was deprived of his numerous offices, the treaſury, the command of the army, and the preſidency of the council; but retained the office of chancellor which was confirmed for life. A milder adminiſtration ſucceeded. The nation again reſpired under Tweedale, Kincardine, and Sir Robert Murray, and enjoyed for a time, if not the bleſſings of liberty, the benefits at leaſt of a humane and impartial government [44].

Bonds of peace.

When the army was withdrawn from the Weſt, and diſbanded on a peace, ſome ſecurity was required on the removal of military force. The prelates who demanded that the declaration ſhould ſtill be exacted, expected a fruitful

[44] Kirkton, MS. 68. Burnet, i. 350—5. Woodrow, i. 271.

ſource

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ſource of perſecution from the refuſal of the preſbyterians to abjure the covenant. The miniſtry recommended a milder expedient, that ſuſpected perſons ſhould enter into bonds, inſtead of religious teſts, for the preſervation of public peace. The interpoſition of a private contract to ſecure the public tranquillity, appears to derogate from the dignity of government; but the bonds of peace were requiſite to appeaſe the jealous apprehenſions of the court; and as they were accompanied by an ample indemnity, were generally preferred to religious teſts, except by a few who ſcrupled to profeſs obedience to iniquitous laws [45].

Attempt on Sharp's life. July 11.

The apoſtaſy of Sharp had excited ſuch deep reſentment, his rigors had inſpired ſuch implacable revenge, that it is not ſurpriſing if, among a perſecuted ſect, and a fanatical party, ſome attempted to perpetrate a deed of which few diſapproved. While ſitting in his coach by day, in the public ſtreets, a piſtol was diſcharged at his perſon, through Honyman, the biſhop of Orkney's cloak, while aſcending the carriage, but the biſhop's arm intercepted the balls. Such was the hatred of the archbiſhop, that the aſſaſſin was permitted to croſs the ſtreet and eſcape through a lane. On diſengaging himſelf from his diſguiſe, he returned to the crowd, where he was leaſt apt to be ſuſpected or found; and, notwithſtanding the moſt vigilant ſearch, remained undiſcovered, till recognized ſix years after by Sharp himſelf. The outcry againſt

[45] Kirkton, MS. 287. Burnet, i. 376.

the

the covenanters was renewed, and Honyman, whoſe arm was ſhattered by the bullets, languiſhed a few years and died of the wound. For a time, the primate affected a tranſient lenity, but as ſuch an atrocious deed muſt exaſperate the mind, no real moderation was inſpired by his eſcape [46].

Compre-henſion of ſects at-tempted.

The humane deſign to relieve the preſbyterians, was retarded, not diſcouraged by the attempt on Sharp. The ſcandalous lives, and the ignorance of the weſtern clergy were notorious, and the people were agitated and inflamed by a hot, itinerant race of youthful preachers, whoſe fiery polemics required a preſent remedy, more efficacious than perſecution could afford. An accommodation with the preſbyterians was attempted by Leighton, while the ſituation of the church might admit of an eaſy comprehenſion of ſects. The prelates, intent on the acquiſition of power, had introduced no material innovation in its worſhip or rites. Its worſhip was ſtill extemporary, or exchanged in ſome congregations for a portion of the liturgy; the ſacramental rites were adminiſtered without kneeling, or the ſign of the croſs; and as the ſurplice, the altar, and the offenſive ceremonies of the preceding reign were not generally revived, an uniform mode of worſhip was not difficult to be reſtored [47]. The chief obſtacle, and almoſt the only ſource of defection, was the government of the church, which,

[46] Burnet, i. 471. Kirkton, MS. 71.

[47] Sir George Mackenzie's Works, ii. 343. Skinner's Hiſt. ii. 467.

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according to Leighton's ſcheme of comprehenſion, was to be reſtored to its former ſituation in the reign of James. The biſhops were to relinquiſh their negative, nor to ordain without the concurrence of the preſbytery, and their authority was to be reduced to little more than a right to preſide in eccleſiaſtical courts. The preſbyterian clergy were to be replaced and relieved from canonical oaths, and permitted, on their ordination or return to their preſbyteries, to exonerate their conſcience by a proteſtation againſt the precedence of the biſhops, to which they ſubmitted only for the ſake of peace. Leighton, whoſe propoſals were moderate, yet artful to an extreme, expected that the proteſtations would be ſoon forgotten, and repreſented to his own order, that their authority would eaſily be recovered, without the danger of a ſchiſm, when the preſent generation had ſunk into the grave. But the prelates were not more unwilling to unlock the gates, than the preſbyterians to enter the pale of the eſtabliſhed church. They were apprehenſive of the ſame conſequences which Leighton anticipated, that if the people were once accuſtomed to the name of prelates, preſbytery would expire with the preſent generation, and they preferred a ſeparate, precarious exiſtence, as a perſecuted ſect, to a ſecure and honourable, but oblivious aſylum, during the remainder of their lives. The people were induſtriouſly impreſſed with their fears; *touch not, taſte not, handle not*, was their favourable text againſt religious communion with an hoſtile ſect. The accommodation was protracted by

by fruitleſs conferences, in which their ſcrupulous obſtinacy was generally blamed; but when their church was deprived ſo lately of a legal eſtabliſhment, it is not ſurpriſing that in the true ſpirit of ſectaries, they declined a comprehenſion which muſt have ſoon extinguiſhed their religion and their name [48].

Indulgence.

At the ſame time a partial indulgence was propoſed by Tweedale, a more efficacious remedy, if extenſively adopted, or even ſteadily purſued. A part of the ejected clergy were permitted to officiate in vacant churches, and a ſmall ſalary was promiſed to others who remained unprovided. The wages of ſilence were rejected, or rather never paid: but the indulgence was at firſt ſo acceptable, that at different times above forty miniſters were reſtored to their churches: their labours to reclaim from conventicles, were at firſt ſo ſucceſsful, that the people endeavoured, in other pariſhes, to purchaſe the reſignation of the epiſcopal incumbents. But the exiled and ejected clergy, inveighed at an indulgence from which they were excluded themſelves. In a few years, their publications and ſermons againſt an Eraſtian dependence on the civil magiſtrate, eſtranged and ſeparated the people from the indulged. When the latter ceaſed to preach to the times, the ſalt of their doctrine loſt its reliſh, and it was viſible to the people that the divine grace with which they were endued in conventicles, had departed on their ſubmiſſion to the in-

[48] Burnet, i. 362, 400. 402—33. Kirkton, MS. 42. Woodrow, i. 334, Appendix, 132.

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junctions of the civil power. The king's curates, as they were contumeliouſly denominated, were compared to dumb dogs, unable or afraid to bark. The controverſy continued burning for many years. The people returned to their conventicles with an increaſe of appetite, the temporiſing clergy, to thoſe popular doctrines which they were prohibited to preach. But the ſeverity of government was ſoon awakened by the rapid growth and increaſe of conventicles, for which the indulgence was ſuppoſed to leave no pretext [49].

Merits of adminiſtration.

While the preſent humane adminiſtration ſubſiſted, the moſt aſſiduous application was given to public affairs. Intemperance and other vices of the age were diſcountenanced; juſtice was impartially adminiſtered; the exceſſes of Turner and his officers were ſtrictly inveſtigated; claims on government were regularly diſcharged, and an annual ſurplus of the revenue was appropriated to purchaſe magazines of arms, and promote uſeful ſchemes of manufacture and trade. Tweedale and Murray were united by a ſincere friendſhip, but unhappily for the country, the duration of their authority depended on Lauderdale's ſupport, whoſe character, ſo various at different periods, had undergone a ſudden and ſurpriſing change. On his return to the world, the ſtudious devotion of his early years was diſcarded for the profligate manners of the times. But his influence hitherto had been exerted patriotically, for the benefit of his

[49] Id. 303—51. Burnet, i. 413.

country,

country, till he renewed an amorous connection with the counteſs of Dyſart, whom he married afterwards on the death of his wife. A woman of beauty, wit, and ſpirit, full of intrigue, whoſe blandiſhments Cromwell was unable to reſiſt, whoſe literary accompliſhments were beyond her ſex, acquired an abſolute dominion over his mind. She was vain and prodigal in her expences; venal rapacious, or rather ravenous for money; violent in her friendſhips, but more implacable ſtill in her reſentments; of a reſtleſs ambition; ardent, inſatiable, and deterred by no principle nor compunction from the attainment of her ends. Her vices and paſſions, to which Lauderdale became ſubſervient, diſhonoured his character and degraded his capacity in the public eſtimation. She inſpired his mind with her own reſentments, incited him to quarrel ſucceſſively with his beſt friends; and having perſuaded him that Murray, whom her father had formerly deſtined for her huſband, aſſumed the ſole merit of adminiſtration, the jealous Lauderdale, whoſe pride was alarmed at her ſuggeſtions, determined to ſuperintend the government of Scotland himſelf [50].

Lauderdale's interference.

A feeble attempt of Tweedale's to accompliſh an union of the two kingdoms, was encouraged by Lauderdale, that he might hold a parliament in perſon as high commiſſioner. The king was empowered to appoint commiſſioners for a treaty of union. Inſtructed, however, by the inſignificant

A parliament. Oct. 19. Union attempted.

[50] Burnet, i. 360. Kirkton, 80.

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ſhare which their country acquired in the government during the uſurpation, they refuſed, on a ſubſequent treaty, to accede to an union, unleſs the Scottiſh eſtates were preſerved entire, and inſtead of a proportional repreſentation, the two parliaments were incorporated into one [51]. But an union was utterly inconſiſtent with Lauderdale's deſigns. From an oſtentatious diſplay of his influence and ſervices in the Scottiſh parliament, he expected to acquire a ſhare in the adminiſtration of England, and ſucceeded at length on obtaining admiſſion into the celebrated Cabal. An act to explain and aſſert the prerogative was firſt procured. To the nobility he repreſented that the inſolence of the prelates would be more effectually reſtrained; to the preſbyterians, that a change would be ſooner accompliſhed, if religion were left entirely to the king's diſpoſal. The external government and regulation of the church was declared an inherent right of the crown, and whatever his majeſty ſhould enact, reſpecting all eccleſiaſtical matters, meetings, and perſons, when recorded and publiſhed by the privy conncil, acquired the ſame force and operation as laws. The king's religion was not then ſuſpected; but when his brother's attachment to popery tranſpired, Lauderdale's intentions were no longer doubtful, to recommend himſelf to the duke, by providing a previous, diſcretionary power to introduce whatever religion he choſe into

Two dangerous acts procured by Lauderdale.

[51] Kirkton, 80. Mackenzie, ii. 359. De Foe's Hiſt. Union, pp. 54. 725.

the

the church. The next act was to confirm the national militia, which, from the offer of an army by the late parliament, had been embodied, armed, and regularly disciplined. An established militia of twenty-two thousand men was ordained to march wherever the privy council of Scotland should appoint, and the honour or safety of the king might require. In procuring acts so dangerous to the religion and liberties of either kingdom, Lauderdale exulted in his services to the crown. The supremacy was more firmly established than even in England, and the church was prepared to receive whatever religion the king should enjoin. An army, a treasury, magazines of arms, were provided in Scotland to support his authority, and the army was ready to march into England, on a secret intimation to the privy council, whose proceedings might be disavowed at court, if they failed of success[52].

1669.

1670. Parliament. July 28.

The second session of parliament is distinguished by severe and sanguinary acts against conventicles, which the military had of late been employed to disperse. The people resorted to sermon in the open fields, which they preferred to houses for escape or defence. A large conventicle in Fife, was attended by gentlemen in their ordinary arms, and the reproaches of the court, or of the English prelates, awakened Lauderdale to all the rage of persecution. House conventicles were repressed by the former laws against separation; and hus-

Severe laws against conventicles.

[52] Parl. 1669, ch. 1, 2. Burnet, i. 218. Woodrow, i. 310.

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1679. bands were rendered responsible for their wives, fathers for their children, and magistrates for the towns wherein they were held. Field conventicles were more severely restrained. The preachers were subjected to confiscation and death; their hearers to double fines and the penalties of sedition. A reward of five hundred Scottish merks was offered for their persons, or an indemnity for their slaughter; and house conventicles were estimated and punished as field conventicles, if crowded without, at the windows or doors. Whoever refused to depose against delinquents, or to furnish information on oath against such as held or frequented conventicles, were punishable by imprisonment, arbitrary fines, transportation to the plantations; and the privy council was enjoined to enforce the utmost rigor of the act, against all who declined to turn public informers against their relations and friends. It is observable that the king himself disapproved of the first as a sanguinary statute, but his humanity never interposed to prevent its renewal in the subsequent parliament, much less to procure its repeal. A severe and iniquitous law was productive, however, of unforeseen mischiefs. Instead of being deterred by its rigors, the people repaired to conventicles with arms for their defence; and as field conventicles became more numerous, armed conventicles began to prevail [53].

[53] Parl. 1670, ch. 2, 5, 7. Woodrow, i. 323. Burnet, i. 429.

When

When three-fourths of the nation are repreſented as ſectaries from the national worſhip, the perverſion of terms may excite a ſmile of contempt; but when the majority of a people are proſcribed and perſecuted for religious opinions, we muſt lament the fatal intermixture of the human paſſions, which is more frequent in government, and eſteemed more venial than in the adminiſtration of juſtice, but is more widely deſtructive of the human race. From the corrupt and furious paſſions of Lauderdale, his adminiſtration relapſed into the ſame tyranny from which he had relieved the nation; with this difference, that in proportion as it was prolonged, it became daily worſe. His inſolence, on his return to Scotland with the title of duke, provoked univerſal diſguſt. The parliament was adjourned till the counteſs of Dyſart, whom he had married, was conducted round the country, where they were attended and received in their progreſs with regal pomp and reſpect. Their profuſion was immenſe; and in the hands of his rapacious ducheſs, every thing became venal in Scotland. As his humour or intereſt predominated, the preſbyterians were alternately perſecuted and their clergy indulged; but perſecution, inſtead of being committed to the prelates, was reſerved as a ſource of emolument for himſelf and his friends [54]. Some idea may be formed of his violence and rapacity, of which it is impoſſible to enumerate the particulars, from a lively ſketch of the grievances and ſituation of the country under his adminiſtration.

1671. Lauderdale's adminiſtration.

Tyranny and inſolence. 1672. June.

[54] Burnet, ii. 61.

The

BOOK VII.

1672. Situation and grievances of the nation. Nobility.

The nobility, who exceeded an hundred, were immerſed in poverty and debt, and ſupported moſtly by penſions from the crown. From their numbers they acquired the chief ſway and control in parliament; but their lofty titles and decayed fortunes rendered them equally obſequious to the favourite and oppreſſive to the nation. They had no acceſs to the throne, except through the miniſter who engroſſed the abſolute diſpoſal of offices, and from his reſidence at court they ſunk with the country into an abſolute ſubmiſſion to his meaneſt dependants, his menials and friends [55]. The privy council and the courts of juſtice were filled with his creatures, but the former enjoyed no ſhare in the government, except the merit of an implicit execution of his commands. The latter conſiſted of ignorant or unprincipled judges, merchants, country gentlemen, collectors of revenue; and under the management of lord Hatton, his brother, and Dalrymple the preſident, it is aſſerted that favour, bribery, partial and corrupt judgments prevailed beyond any former period [56]. An alteration was introduced by parliament into the juſticiary court, to which five lords of ſeſſion were conjoined, inſtead of the deputies whom the juſtice

Courts of juſtice.

[55] Miſcellanea Aulica, 190. Woodrow's Hiſt. i. App. 147. and Collections, MS. vol. xxvii. 8vo. Adv. Library.

[56] Id. The judges, &c. by repeated and recent ſtatutes, had been prohibited to grant protections from arreſtments, under the penalty of becoming reſponſible for the debt. Protections, however, became ſo frequent, that they were openly purchaſed for five pounds a-piece. Mackenzie's Obſerv. i. 308. Woodrow, i. App. 143.

general,

general, or the aſſeſſors whom the privy council were accuſtomed to appoint. But the expectations of parliament were not entirely fulfilled, as the criminal court was converted into a chamber of the court of ſeſſion, infected with the ſame abuſes, and equally devoted to the miniſters of the crown.

Abuſes of revenue.

The revenues of Scotland were engroſſed and waſted by Lauderdale and his friends. The parliament was prolonged above four years, that he might enjoy the emoluments and rank of commiſſioner; and his revenues during his abode in Scotland, exceeded thoſe of its ancient kings. His ſalary was ſixteen thouſand pounds ſterling; the donatives which he obtained, twenty-ſix thouſand; but the annual revenues of the crown, the ſurplus revenue accumulated by Murray, and an aſſeſſment of ſeventy-two thouſand pounds, were inſufficient to ſupport his profuſion, and diſappeared in his hands. A gift of the feudal incidents of ward and marriage, was conferred on the earl of Kincardine; another of the incidents due before the reſtoration was engroſſed by Lauderdale; and exacted in the moſt oppreſſive manner from the vaſſals of the crown. But the moſt lucrative and oppreſſive ſources of extortion were the penalties and compoſitions for attending conventicles, of which it is impoſſible to eſtimate the amount. Nineteen hundred pounds ſterling were exacted by Athol, the juſtice general, for his own behoof in a ſingle week. Two gentlemen, of whom the one was a youth from ſchool, and the other's wife had attended a field meeting, compounded for fifteen hundred pounds. Thirty

Extortions.

thouſand

BOOK VII. 1672.

thouſand pounds were impoſed on ten gentlemen, nor theſe the moſt conſiderable in the ſhire of Renfrew. Injuſtice was aggravated by the inſolence of Lauderdale, whoſe unfeeling jeſts inſulted ſuch as compounded for their fines. The penalties of nonconformity within particular diſtricts were farmed out, or aſſigned to his dependents; and the eſtates of thoſe who withdrew from his rage and inſolence, were plundered and waſted by gifts of eſcheat [57].

Monopolies.

The trade of the kingdom was almoſt equally oppreſſed. In Middleton's parliament, the regulation of duties on foreign trade was transferred to the crown; but an act intended to eſtabliſh a balance of trade with England, was productive, in Lauderdale's hands, of the moſt pernicious monopolies for the benefit of his friends. A duty, equivalent to a prohibition, was impoſed on foreign ſalt; the pre-emption of home-made ſalt was conferred on lord Kincardine; and a neceſſary article was enhanced above five times its original price. A large impoſt was laid on tobacco; the importation of brandy was prohibited; and an odious monopoly was created by the ſale of licences to import thoſe articles of general conſumption. Among other grievances unneceſſary to enumerate, the adulteration of the coin was univerſally felt. The currency of foreign money was fixed beneath its

[57] Woodrow's App. 346—62. Scotland's grievances under the Duke of Lauderdale. Crawford's Hiſt. MS. ii. 113. Burnet, ii. 65.

intrinſic

intrinſic value, that it might be brought to the mint, where lord Hatton preſided. The ſilver coinage iſſued in return was adulterated and reduced in weight, and the country was filled with a ſpecies of light and ſpurious copper [58].

1672.

From theſe grievances, the deſigns of Lauderdale and the court, to render the one kingdom inſtrumental to the ſervitude of the other, muſt appear not leſs criminal than deſperate in the extreme. While the miniſter vainly expected to retain all Scotland in dependence on himſelf, while the king was perſuaded that an army devoted to his ſervice, was prepared to ſupport his moſt arbitrary deſigns, an injured and inſulted people was diſpoſed, on the leaſt diſorder in England, to break into open rebellion as ſoon as the troops were removed. When the declaration of indulgence, which had been exemplified in Scotland, was recalled by Charles, the Cabal diſſolved in its own weakneſs and decay. Shafteſbury was preſerved by an opportune defection, or rather by his uniform adherence to the popular party; Lauderdale, whom the houſe of commons declared a grievance, ſought an undiſturbed retreat from the tempeſt in Scotland. The oppoſition encountered there, was the more ſevere as it was unexpected and juſtly incurred. The nobility were provoked at his arrogance, the commons at his oppreſſions; but the mutinous diſpoſition of parliament was not diſcovered nor ſuſpected till it met. The king's letter

1673. Oppoſition in parliament.

Nov. 12.

[58] Woodrow, i. App. 141. Scotland's Grievances.

was

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was read and enforced by the commiſſioner, recommending more vigorous means of perſecution, and requeſting additional aids for the Dutch war. Inſtead of the uſual reſponſes of a ſubmiſſive parliament, the duke of Hamilton, a younger ſon of the houſe of Douglas, who had married the heireſs, and obtained, by the courteſy of Scotland, the titles of Hamilton, demanded that the ſituation of the nation ſhould be firſt examined, and its grievances redreſſed. The grievances of the nation were re-echoed by twenty members. They aroſe and complained ſucceſſively of the monopolies of brandy, ſalt, tobacco, the adminiſtration of juſtice, the adulteration of the coin; but religious perſecution, the worſt of grievances, was an interdicted ſubject of which they durſt not complain. The commiſſioner, aſtoniſhed at their oppoſition, endeavoured, by his overbearing menaces, to interrupt their debates. "Is this a free parliament or not?" was the indignant reply, and no expedient remained but to adjourn for a week. At the next meeting, in order to appeaſe their indignation, the monopolies were repealed. But the relief was unſatisfactory, unleſs the author and inſtruments of oppreſſion were removed and puniſhed; and they who conſidered Lauderdale's inordinate power and accumulation of offices as the greateſt evil, perſiſted in their reſolution to repreſent the national grievances in their addreſs to the king. The commiſſioner's laſt reſource was to adjourn the parliament for two months; and in the interval, Tweedale, Hamilton, and the leaders of oppoſition were invited

vited to court. They were received and diſmiſſed with full aſſurances that the grievances ſhould be left to parliament; and haſtened down amidſt ſuch heavy ſnows and intenſe or continued froſts, that a third of the ſheep and cattle were ſtarved to death. On their arrival, the parliament, which was permitted to meet, was adjourned within half an hour, and then diſſolved by a letter from the king [59]. 1673.

Redreſs of grievances evaded by Charles.

The diſappointment excited ſuch violent diſcontent, that ſome undertook to aſſaſſinate Lauderdale and his whole party; but theſe deſperate counſels were overruled by Hamilton, who was again invited to court with his friends. They requeſted to be heard by their ſovereign, but were required to preſent their complaints in writing. The moſt cautious complaints which it was poſſible to frame, would be converted into leaſing-making, eſpecially as the archbiſhop of Glaſgow had been lately entangled in the ſame ſnare. Their grievances were communicated to Charles by an anonymous letter, but all hopes of redreſs or relief were diſappointed, as they durſt not confide in his aſſurance, that no paper which they ſubſcribed would be employed for their deſtruction. Their grievances proclaimed in pamphlets, renewed the demands of the Engliſh commons for the removal of Lauderdale. If not admitted by Charles to the ſecret of the firſt clandeſtine treaty with France, to reſtore the catho- 1674.

[59] Scotland's Grievances. Kirkton, 88. Woodrow, i. App. 98. Crawford's Lives of Officers of State, 241. Burnet, i. 108. Law's Diary, MS. Adv. Library.

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BOOK VII. 1674.

lic religion in England, he entered with zeal into the second subsidiary alliance, to establish an absolute government by the introduction of French troops, with whom the army procured from the Scottish parliament was intended to co-operate. The acts ordaining the army to march wherever the Scottish council should appoint, and the honour or safety of the king might require, were examined by the commons, when the evidence of the celebrated Gilbert Burnet revealed his design, if the king had continued firm, to summon the Scottish army into England to support the Cabal. But the king, who had dismissed in Clarendon the monitor of his early youth, and the friend of his adversity, considered truly that the minister devoted to the acquisition of power was devoted to the crown. Lauderdale, confirmed in his offices, became more absolute than ever; his opponents were all displaced from the council but Hamilton; and if at times he condescended to court the presbyterians, his administration displays the most signal examples of the corrupt and wanton abuse of power [60].

Faculty of advocates expelled from town.

A private litigation between the earls of Dunfermline and Callender, to divest the latter of half his fortune, was espoused by Lauderdale, who determined, before his departure for court, to influence the decision of the bench by his voice and presence as an extraordinary judge [61]. The question was accelerated, and appointed to be heard

[60] Crawford's Hist. MS. ii. 125. Woodrow, i. 364—79. Sir John Dalrymple's Memoirs.

[61] Crawford's MS. Hist. ii. 125.

by

by the preſident, in defiance of a recent ſtatute, that no cauſe ſhould be unduly or prematurely called[62]. An appeal to parliament, which was then uncommon, yet not without precedent, was immediately lodged. The novelty of the attempt was reſented; and as the integrity of the court had already been impeached, and its deciſions quoted in the late parliament as partial or unjuſt, it became the more neceſſary, in the opinion of the judges, to repreſs the inſolence of the bar. The appellant's counſel were required to ſwear to the advice they had given, and Lockhart and Cunningham, the moſt eminent of their profeſſion, were expelled for their refuſal of an arbitrary oath[63]. Fifty advocates, reſenting the indignity done to their order, followed them from the bar, and at the inſtigation of Lauderdale, were baniſhed twelve miles from the capital, till they renounced the right of appeals to parliament. The neceſſity of appeals was univerſally felt and acknowledged in ſecret. But the bar was divided like the church into conformiſts and non-conformiſts; the former a ſervile train that adhered to the court, the latter a large majority who retired with Cunningham to Linlithgow, and with Lockhart to Haddington. When the term preſcribed for their ſubmiſſion had elapſed, they were permitted to

1674.

[62] See NOTE II.

[63] Niſbet of Dirleton demanded in vain from the preſident, by what law the ſentence was pronounced. He was told by Hatton, that if they had the king's letter they required no law. Crawford, MS.

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1674.

return, after a year's exile, on an evaſive acknowledgment that judicial proceedings were not ſuſpended by appeals, which they durſt not however diſown, without impugning the ſupreme authority of the eſtates. As their independence was unexampled perhaps in their profeſſion, their ſubmiſſion, though accelerated by the defection of ſome, was a real triumph over injuſtice and oppreſſion; and the right of appeal was eſtabliſhed at the revolution, as a ſalutary control on the court of ſeſſion [64].

Acts of oppreſſion.

To exclude the refractory advocates from ſeats, the convention of royal boroughs, an aſſembly annually held for the conſideration of trade, was admoniſhed by Charles to revive an obſolete regulation againſt the return of commiſſioners, not inhabitants of the boroughs, to ſerve in parliament. The anſwer of the convention, aſſerting the unreſtrained rights of election, was condemned as ſeditious, and its members were impriſoned, diſplaced, and fined. The annual election of magiſtrates was prohibited at Edinburgh. Twelve of its chief magiſtrates were declared incapable of public truſt, as not ſufficiently ſubmiſſive to Ramſay their provoſt, a bankrupt trader, whom Lauderdale created a lord of Seſſion, in return for ſeventeen thouſand pounds extorted as gifts from the town. Ten gentlemen and two peers, the opponents of Lauderdale, were diſpoſſeſſed of their houſes, which were converted into garriſons for

[64] Crawford, MS. Kirkton. Ralph, i. 263.

the

the ſuppreſſion of conventicles, nor reſtored till purpoſely defaced by the ſoldiers; and ſir Patrick Hume, who ventured to implore the protection of the laws, was impriſoned and diſqualified from public truſt. Lord Cardroſs, whoſe houſe was invaded by night, his lady inſulted, and his chaplain illegally ſeized by the military, was impriſoned and fined with his lady in a thouſand pounds, becauſe the neighbouring peaſants had reſcued his chaplain. On the ſurmiſe of ſome correſpondence of the diſaffected with Holland, Drummond the general, a noted royaliſt, was ſuſpected as an officer of diſtinguiſhed merit, and confined for a twelve month in Dumbarton caſtle[65]. Such acts of oppreſſion paſt in ſilence, as a part of Lauderdale's ordinary adminiſtration; but the puniſhment of Baillie of Jerviſwood, excited more open diſcontent. Carſtairs, a ſpy employed by Sharp to frequent and diſcover conventicles, had inveigled Kirkton, a clergyman to his lodgings, and endeavoured under the pretext of a warrant from the privy council, to extort money for his releaſe. When his ſituation was diſcovered, Baillie, his brother-in-law, burſt open the doors, and delivered him by force. A warrant, however, for his arreſt, antedated by Sharp, was ſubſcribed by nine counſellors, and delivered to Carſtairs; and on this judicial forgery, Baillie was convicted of a ſtate offence, amerced in five hundred pounds, and

[65] Crawford's Hiſt. MS. ii. 126. Somers' Tracts, vii. 195. Woodrow, i. 384—93, 4—7. 443. App. 149. Burnet, ii. 111—18—56.

BOOK VII.

1676.

imprisoned for a year. On the representation of lord Hatton, the duke of Hamilton and the earls of Morton, Dumfries, Kincardine, lords Cochran, and Primrose, who alone opposed this iniquitous sentence, were removed from the council [66].

A severer persecution.

During the late opposition to Lauderdale, Argyle and Dalrymple, to regain the popular support of the presbyterians, were received into favour, and the clergy, as an earnest of future indulgence, were permitted to return, and even to preach in the capital [67]. Such lenient treatment, had it been invariably observed, would have soon reconciled the people to government, and the sect itself might have disappeared under silent contempt. But we must observe, that the imperious disposition of Lauderdale was stimulated by the clamorous rage of the prelates on the one hand, whose outcries were incessant that the church was in danger, and on the other, by the jealous and incurable apprehensions of the sovereign, that the presbyterians were a disaffected party ever ready to revolt. It was from these causes, that when all opposition to Lauderdale was surmounted, a more severe and unremitted persecution was kindled; productive of silence, but not of tranquillity or submission to the state. Field and armed conventicles continued to multiply, in proportion as the severities of government increased. As the offenders declined to appear in council, and confess their guilt, *letters of intercommuning* were revived and published; an

Letters of intercommuning.

[66] Id. Kirkton, MS. 93.
[67] Burnet, ii. 108. Crawford, MS.

obsolete

obſolete writ by which the abſent were outlawed, and whoſoever intercommuned with them then, whether to fulfil the duties of relatives, or to adminiſter the offices of humanity, were liable to the ſame puniſhment as if equally involved in the ſame offence. In a ſingle writ, above ninety clergymen, gentlemen, and even ladies of diſtinction, were interdicted from the common intercourſe of ſocial life; and as all who received or ſupplied them with ſuſtenance, intelligence, or relief, converſed or held communication with them, were equally criminal, their preſence was rendered contagious, and their guilt was multiplied like a peſtilential diſeaſe. At a moderate computation, ſeventeen thouſand perſons of either ſex, and of every deſcription and rank in life, were already haraſſed and oppreſſed in the weſt, for attendance on conventicles, or their abſence from church. Numbers outlawed, or terrified at ſuch indefinite proſcriptions, deſerted their abodes, and acquired the fierce and ſavage habits of a vagrant life [68]. Conventicles, in conſequence of their diſperſion, became more widely diffuſed

1676.

1677.

[68] Woodrow, i. 392. 416—18. App. 1666. Burnet, ii. 156—83. Letters of intercommuning, ſimilar to the *Aquæ et ignis interdictio* of the Roman law, concluded thus: "We command and charge all our lieges and ſubjects, that none preſume "to reſet, (receive,) ſupply, or intercommune with any of the "foreſaid our rebels, nor furniſh them with meat, drink, houſe, "harbour, or victuals; nor any other thing uſeful or comfortable to them; nor have intelligence with them by word, "writing, meſſage, or otherwiſe, under the pain of being "repute and eſteemed art and part with them in the crime "foreſaid, and to be purſued therefore with all rigour."

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through the ſouthern counties, from the borders of England to Perth and Lennox, beyond the friths; and were held in moraſſes, woods, or on the ſummits of mountains, to prevent ſurpriſe. From the vicinity and frequent aſſaults of the garriſons, the concourſe of people became more numerous, and better armed and mounted for mutual defence. The conventicles aſſumed a more formidable appearance, and were protected by regular patroles and guards of horſe, till the people diſperſed. The miniſters, who rejoiced in the multitude of their audience, the people delighted with the romantic and meritorious dangers of the ſabbath, preferred the fields to the ſhelter of houſes or the ſanctity of churches; and while they braved or eluded, or ſuffered the united rage of the military and the laws, imagined that the goſpel was far more efficacious and ſucceſsful, when preached in the wilderneſs. During ſix years, their conteſts with the military were frequent, often bloody, but not always ſucceſsful. A price was fixed on the field preachers, whom the ſoldiers daily purſued *like a partridge on the hills*. The Baſs, a ſteep rock in the mouth of the Forth, was converted into a fortreſs or ſtate priſon, where they pined in miſery and want for years, neglected and forgotten. The people intercepted on their return from conventicles, were delivered up as recruits for the ſervice of France [69]. In this deſperate ſituation of

[69] Burnet, ii. 167. Kirkton. Ralph, i. 315. Woodrow, i. 427—32—41.

the

the country, a ſevere example was choſen to intimidate, or rather to exaſperate the people by a perfidious violation of honour, juſtice, and the public faith. 1677.

1678. January. Mitchel's trial,

Archbiſhop Sharp had obſerved a perſon who eyed him attentively, and imagined that he beheld the features of the aſſaſſin who had attempted his life. When arreſted, he proved to be Mitchel, a fanatical preacher; a loaded piſtol was found in his cuſtody to confirm the ſuſpicion; but no proof appeared of his actual guilt. To diſcover his confederates, and the extent of the danger, a ſolemn promiſe was made by Sharp to procure a pardon if he would confeſs the fact. On the moſt ſolemn aſſurance of life, confirmed by the chancellor, commiſſioner, and privy council, he acknowledged the attempt to aſſaſſinate the primate; but inſtead of numerous aſſociates, or a regular conſpiracy, none but a ſingle perſon then dead, was privy to the deſign. Diſappointed and mortified at ſuch a ſlight diſcovery, the perfidious council proceeded to determine what puniſhment leſs than death might be inflicted on the crime. The juſticiary court was inſtructed ſecretly to pronounce a ſentence for the amputation of his hand; but when produced to renew his confeſſion at the bar, the whiſper of a judge in paſſing, admoniſhed him to acknowledge nothing, unleſs his limbs as well as his life were ſecured. The torture was next applied under a falſe pretext, to extort a confeſſion of his concern in the inſurrection of Pentland; and after enduring the queſtion till he fainted under the ſtrokes of

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the executioner, he remained four years in fetters, forgotten in the ſolitary confinement of the Baſs [70]. His trial, on the return of Lauderdale, was now reſumed at the inſtigation of Sharp. Niſbet, the king's advocate, was diſplaced for Mackenzie, who, as Mitchel's counſel in the former trial, could not be ignorant of the aſſurance of his life, yet preferred an indictment againſt him for a capital crime. Primroſe, from the lucrative office of clerk regiſter, removed to be juſtice general [71], tranſmitted privately to his advocates a copy of the act of council in which the aſſurance was contained. His former extrajudicial confeſſion, the only evidence of his attempt to aſſaſſinate a prelate and a privy counſellor, was atteſted by Sharp the primate, Rothes the chancellor, Lauderdale high commiſſioner, and Hatton a lord of the treaſury and ſeſſion, who did not ſcruple, in their zeal to convict the priſoner, to declare on oath that no aſſurance whatever had been given for the preſervation of his life. The copy of the act of council was produced. The books of council, depoſited in the adjoining chamber, were demanded

[70] Woodrow, i. 375. 511. Burnet, ii. 176. At firſt it was propoſed in council to cut off both his hands, but this was prevented, not from humanity, but by a jeſt of Rothes, too groſs to be tranſcribed. Id.

[71] Niſbet was removed, becauſe he was rich, and refuſed a ſum of money to the ducheſs of Lauderdale; Primroſe, becauſe the clerk regiſter's was a lucrative place. It was given nominally to another, but the profits were ſeized by the rapacious ducheſs, and Primroſe was made juſtice general to ſtop his mouth. Kirkton, MS. 96, 7.

as evidence for the priſoner, ſince his extrajudicial confeſſion before the ſame judicature was admitted as proof. But the duke of Lauderdale, as a witneſs not entitled to ſpeak, interrupted the court in a ſtrain of imperious authority, declared that the books of council contained the ſecrets of the king, which no court ſhould be permitted to examine; and concluding that the four counſellors came not there to be accuſed of perjury, it was immediately underſtood that they were all forſworn. The court, intimidated perhaps by his threats, determined by an obſequious majority that it was too late to apply for production of the record, of which an authenticated copy had been refuſed by the clerk. But it is obſervable, as a melancholy inſtance of the depravity or ſervility of the bench, that the juſtice general, who furniſhed a ſurreptitious copy, and had previouſly admoniſhed Lauderdale of the exiſtence of the act, poſſeſſed neither the virtue nor the fortitude to atteſt the fact, as a witneſs or a judge, but pronounced the condemnation of a man to death, whom his evidence ſhould have preſerved [72].

And execution. Jan. 18.

Before the jury had returned a verdict, the four lords, as ſoon as the court adjourned, examined the books of council where the evidence of their perjury was recorded, and is ſtill preſerved to their eternal reproach. Their conduct ſufficiently evinces the perſuaſion under which they acted, that there was no record of their aſſurance to Mitchel; and they ſtill

[72] State Trials, ii. 627.

affected

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affected to believe, that nothing more was intended than a promiſe to intercede with the king for his life. The blame was transferred from the chancellor who ſubſcribed, to the clerk who inſerted the aſſurance in their minutes; the latter diſcovered that the act of council was framed by Niſbet, from whom they propoſed to levy a ſevere fine; but he procured nine privy counſellors who offered to ſwear, lord Hatton's letters were produced to prove, that a full aſſurance of life had been approved and confirmed by the privy council, when engroſſed in its books. Lauderdale was at length inclined to grant a reſpite till the king was conſulted, but the primate was inexorable. He urged that the example was abſolutely neceſſary to preſerve his life from aſſaſſins, to which Lauderdale aſſented with a profane and inhuman jeſt [73]. Doubtleſs the fanaticiſm of Mitchel was of the moſt dangerous and atrocious nature but his guilt is loſt in the complicated perfidy, cruelty, perjury and revenge which accompliſhed his death. It was the ardent deſire of miniſters to involve the whole body of preſbyterians in his guilt; but in the proſecution of this object they incurred the juſt imputation of more deteſtable crimes. Horror and univerſal execration were excited by the treachery and unexampled perjuries of the firſt miniſters in the church and ſtate; and the precautions employed by Sharp for his ſafety and revenge, contributed two years afterwards to his diſaſtrous fate.

[73] "Nay, then, let him glorify God in the Graſs-market," the place of execution. Burnet, ii. 80. Woodrow, i. 375. 514.

THE HISTORY OF SCOTLAND.

BOOK VIII.

Introduction of the Highlanders, and their severities in the West.—Murder of Sharp.—Insurrection of Bothwell Bridge suppressed by Monmouth.—Duke of York's administration.—Act of succession, and the test.—Argyle's trial and escape.—Ryehouse plot.—Prostitution of Justice, Executions, Extortions, Murders in the fields.—Death and character of Charles II.

BOOK VIII.

1678. Pretext for a standing army

ON the marriage of the prince of Orange with the princess Mary, eldest daughter of the duke of York, an alliance was hastily concluded with Holland, in consequence of a transient disgust at the French court. A large army was ordained to be raised, and the king, if supported by the English parliament, was apparently determined to consult

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conſult for once the inclination of the people, and the intereſt of the reſt of Europe, by a war with France. But the popular party were alarmed at an army of twenty thouſand men, ſuddenly raiſed within ſix weeks, and apprehended that the military force with which they had entruſted the court, was intended not to proſecute the war abroad, but to ſubvert their religion and liberties at home. From late diſcoveries, it appears indiſputable that their apprehenſions were juſt. The duke of York, who conſidered his religion as otherwiſe loſt, had reſumed the deſign of procuring a large army, which he expected to command in perſon, and by reducing the kingdom to ſubjection, propoſed to render his brother abſolute, and ſecure his own precarious ſucceſſion to the throne[1]. The execution of this deſperate deſign was prevented by the combination of the popular leaders with the court of France; and the army, which was equally formidable to both, was diſſolved by a ſecret treaty, or money tranſaction, between the latter and Charles.

Sought in Scotland.

From the coincidence of events, there is every reaſon to believe, that the pretext which the

[1] Sir John Dalrymple's Memoirs, vol. i. p. 165—83—9. oct. edit. "The duke of York, ſays Barillon, believes himſelf "loſt as to his religion, if the preſent opportunity does not ſerve "to bring England into ſubjection; it is a very bold enterpriſe, "and the ſucceſs very doubtful. The king ſtill wavers upon "carrying things to extremity; his humour is very repugnant "to the deſign of changing the government. He is, nevertheleſs, "drawn along by the duke of York and the high treaſurer." Id. 194.

league

league with Holland afforded, to procure an army, had been fought in the meaſures purpoſely employed in Scotland, to excite a revolt [2]. Throughout the weſtern counties, the landlords were required to enter into bonds, under the ſame penalties which the delinquents incurred, that neither their families, domeſtics, tenants, nor *their* ſervants, or others reſiding on their property, ſhould withdraw from public worſhip, adhere to conventicles, or ſuccour field preachers and perſons intercommuned. Their wives and children had frequented conventicles, from which they had abſtained themſelves; but they declined the bonds as illegal, and refuſed to become reſponſible for their tenants or ſervants, whom it was impoſſible to reſtrain. At the ſame time, they acknowledged the increaſe of conventicles to a ſcandalous exceſs, and offered to aſſiſt and protect the officers of juſtice in the execution of the laws. As the people diſperſed, however, when the ſermon was finiſhed, without diſturbance to the public peace,

[2] Woodrow's information coincides with Barillon's; that he was informed by a perſon in whom he placed entire credit, and who was then (1679) at court, that it was concerted in the cabinet council, that all meaſures ſhould be taken to exaſperate the Scottiſh fanatics to ſome broil or other, that there might be a pretence to keep up the ſtanding forces; that Lauderdale was written to, and made acquainted with the deſign, and when he came to court, towards the end of October, the project of bringing down the highlanders was brought to a bearing; i. 454. Add to this, that the introduction of the highland hoſt, as it was termed, was by the expreſs orders of the king. Id. 458.

they

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they recommended an unlimited indulgence, as the moſt efficacious method to reclaim them, and the only expedient to diſſolve their conventicles; a proof that the proper remedy for the diſorders of the times, though rejected by an outrageous government, was ſufficiently underſtood [3].

Highland hoſt introduced into the weſt. Jan. 25.

No ſooner were the bonds of peace refuſed, than the deſign was manifeſt, to obtain a pretext for a ſtanding army, and the weſtern counties were repreſented and treated by Lauderdale, as in a ſtate of actual revolt. Engliſh troops were appointed by Charles to march to the borders; the Iriſh forces to the oppoſite coaſts. Six thouſand lawleſs highlanders were invited from their mountains; and a previous indemnity was granted to encourage every exceſs. The guards and militia were diſpatched with a train of artillery, and by the expreſs injunctions of Charles, a hoſtile army of ten thouſand men was introduced to ſuppreſs the inſurrection of a country in profound repoſe. As there was plunder every where, but no enemy to be found, the highlanders overſpread the devoted country; and their depredations, inſtead of being reſtrained, were abetted and ſhared by their rapacious chiefs. The weſtern counties were the moſt induſtrious and populous; the people the moſt religious, if not the moſt civilized, were abandoned to a part of the nation the moſt indigent and barbarous, of an unknown language, ferocious manners, inſtigated by hereditary prejudices, and

[3] Woodrow, 451—7. Burnet, ii. 183.

addicted

addicted to habitual rapine and revenge. The country was oppreſſed and ravaged like a conquered province, and filled with extortions, depredations, robberies, and more atrocious crimes. Neither age nor ſex was exempt from outrage, and torture was freely employed to extort a confeſſion of hidden wealth. The people were ſtripped and robbed even of their cloaths and furniture, which appeared invaluable to a rude banditti; and the labours of the plough were ſuſpended, and the horſes ſeized, to tranſport the ſpoil to their hills [4].

General lawburrows iſſued.

A committee of council attended the army, to enforce the bonds. But the gentlemen, who obſerved that the ſubſcribers ſuffered indiſcriminately with themſelves, perſiſted in their refuſal, and were ignominiouſly diſarmed, deprived of their ſaddle horſes and ſwords, and ſubjected to a new ſpecies of legal perſecution. An individual, by an application upon oath, might obtain a writ of *lawburrows* from a magiſtrate, to oblige another, of whoſe violence he was apprehenſive, to furniſh ſecurity for his good behaviour; and a precaution uſed againſt perſonal danger, was converted, by the moſt oppreſſive chicane, into an alternative for the bonds [5].

A general

[4] Id. Woodrow, i. 467 96. Law's Diary, MS. Air alone loſt 16,000 *l.* ſterling.

[5] "And ſince every private ſubject may force ſuch from whom they fear any harm to ſecure them by lawburrows, and that it hath been the uncontroverted and legal practice of his majeſty's privy council, to oblige ſuch whoſe peaceableneſs they ſuſpected, to ſecure the peace for themſelves, wives, bairns, &c.

therefore

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A general writ of *lawburrows* was iſſued at the ſuit of the king, againſt a whole country, to find ſecurity, according to the terms of the bonds for preventing conventicles, under the penalty of double rents, and whatever elſe the council might inflict. Such as ſubſcribed the bonds were required to diſmiſs their ſuſpected tenants, whom, unleſs their conformity were atteſted by the curate, no landlord was permitted to receive on his eſtate. To ſuppreſs their complaints, and at the ſame time to prevent their eſcape, the unhappy ſufferers were prohibited to approach the capital, or to depart from the kingdom; and the nobility and gentry, interrogated by the council, were compelled to exculpate themſelves by oath from a fictitious accuſation of ſtate crimes. On the premature report of an inſurrection, Lauderdale and his friends were unable to diſſemble their joy, or to conceal their dejection when the intelligence was diſproved. That their deſign in theſe meaſures was to render the people deſperate, and impel them to rebellion, can admit of no diſpute. But the people were impreſſed with the ſame opinion, that an inſurrection was ſolicited, and if unable to divine the motive, were the more careful, by their patient ſufferings, to diſappoint the manifeſt expectation of the court [6].

therefore the privy council, conſidering that his majeſty has declared his juſt ſuſpicion of ſuch as refuſe or delay to take the bonds, &c. Woodrow, i. App. 182. See Sir G. Mackenzie, ii. 345.

[6] Woodrow, i. 477—81. App. 179. Burnet, ii, 185.

Notwith-

1678. Compaints of the nobility and gentry,

Notwithſtanding the prohibition to quit the kingdom, fourteen peers and fifty gentlemen, of whom duke Hamilton was threatened, and the earls of Caſſilis and Loudon, lord Cochran, and others, were charged with lawburrows, and denounced outlaws, repaired to court, and were joined in their complaints by Athol and Perth, two of the committee of council employed in the Weſt [7]. As they had departed without permiſſion, an audience was refuſed. But the invaſion and ſufferings of the weſtern counties had excited univerſal execration; and amidſt the fervid debates of the Engliſh commons, the voice of two nations was too powerful to be reſiſted. Was this the ſpirit of government which was diſplayed in Scotland? or were theſe the meaſures to be adopted in England when the dark deſigns of the court were mature for execution? An addreſs for Lauderdale's removal was rejected; but it was neceſſary to ſuſpend his enormities, to recal the lawburrows and bonds, and diſband the army; and the highlanders, after exacting free quarters, and waſting the country for three months, were diſmiſſed with impunity and wealth to their hills. Hamilton and the chief nobility were heard in preſence of the cabinet council, and when taxed by the king with diſobedience to his proclamations, in repairing to court, their only anſwer was their ſufferings and com-

May 25.

[7] Burnet, ii. 185. The invaſion was diſapproved by many of Lauderdale's friends in council, not admitted to the ſecrets of the court.

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plaints. In the midſt of profound tranquillity, when not a ſhadow nor ſurmiſe of inſurrection exiſted, to let one part, the moſt barbarous of the nation, looſe againſt the other; to inſtigate the exceſſes of the one by a previous indemnity; to devote the other, like a hoſtile country, to indiſcriminate ravage; was without example in a civilized ſtate. Lauderdale, who remained in Scotland, ſecure of impunity, was vindicated by Danby and the duke of York. Field conventicles had been ſtyled in the late acts, the rendezvous of rebellion; and it was inferred from this rhetorical expreſſion, that wherever conventicles prevailed, the country was in a ſtate of actual inſurrection and revolt. Free quarters for a few days were of little eſtimation, when the fortunes and lives of the people were proffered by parliament for his majeſty's ſupport; the bonds were tendered, not enforced, as an exemption from free quarters; and where the king was apprehenſive of danger from his own ſubjects, the writ of lawburrows was a juſt and neceſſary alternative for the bonds. The miſerable apologies to which tyranny muſt reſort, diſhonour and degrade the tongue that utters, and the underſtanding that receives them. The Scottiſh nobility imagined at firſt, that their ſovereign was touched with pity and compunction at their wrongs. But when he required their complaints to be produced in writing, when they demanded an indemnity from leaſing-making, before they preferred an accuſation againſt the privy council,

Rejected by Charles.

his positive refusal revealed the insidious design. Unwilling to disown a minister, who had exceeded perhaps in the execution of his express commands, he declared that he was well assured of an insurrection intended in Scotland, but it should be his care that the actors should suffer; and bestowed next day, in a letter which cannot be ascribed to Lauderdale, a full approbation on the measures of council, because the nobility, from the iniquity of its administration, durst not subscribe their just complaints [8].

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The absence of his opponents was seized by Lauderdale, as an opportune moment to summon a convention of estates. The nobility who remained at home, were seduced by bribes. The elections were secured, or decided afterwards by his influence, and before the return of his adversaries, the opposition so formidable in the late parliament, was surmounted or quelled. The monthly assessments of six thousand pounds, introduced by Cromwell, were retained, and are still observed as the rate at which the land-tax is imposed. Five monthly assessments, or thirty thousand pounds a-year were granted for five years, to support additional troops for the suppression of conventicles; and the most unqualified approbation was bestowed on Lauderdale's administration, in a letter to the king. Such base and abject servility, after the late popular complaints, exposed the country to deserved

Convention of estates.

[8] Burnet, 187. Woodrow, i. 501—9.

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contempt; but an aſſeſſment expreſsly granted to ſuppreſs thoſe ſeminaries of rebellion which were held in the fields, was productive of a doubt, and at length of a diviſion among the preſbyterians; whether to avoid perſecution themſelves it were lawful to contribute taxes to the perſecution of ſuch as frequented conventicles [9].

Cauſes of an inſurrection.

It was the king's intention, according to ſome hiſtorians, to introduce a milder adminiſtration under the duke of Monmouth, (who had married the heireſs, and obtained the eſtate and titles of Buccleugh in Scotland,) when the alarm of the popiſh plot intervened. The tyranny actually endured in the one kingdom, was the more deeply apprehended in the other; and as the nobility and clergy, whoſe complaints the king diſregarded, had acquired the friendſhip of the popular leaders in the Engliſh parliament [10], an inſurrection has been too haſtily aſcribed to their correſpondence and combination to renew the events of the preceding reign. A memorable ſpeech of the earl of Shafteſbury's, that popery was intended to introduce ſlavery into England, but that ſlavery was the harbinger of popery in Scotland, was tranſmitted to Edinburgh, and eight thouſand fanatical Scots

March 25.

[9] Woodrow, i. 528. Burnet, i. 588. Kirkton, MS. 99.

[10] "Some of our lords and gentry made acquaintance with "the Engliſh diſſenters, which ſtuck to them while they lived." Kirkton. Such is the only evidence I have found, in Scottiſh hiſtorians, of a correſpondence with the Engliſh.

are repreſented as ſtarting to arms as at the ſound of a trumpet [11]. Doubtleſs the Scots were encouraged by the impeachment of Danby, the vigorous oppoſition in England to the duke of York, and the attempts to limit or exclude his ſucceſſion to the throne. But as no trace exiſts of their correſpondence with the popular leaders in England, the operation of a diſtant ſpeech diffuſed by the pen, muſt be rejected as a wretched fiction; more eſpecially as an intermediate ſeries of domeſtic incidents, removes this marvellous ſucceſſion of events. The cruel and iniquitous proſecution of the popiſh plot, had inflamed the court party with revenge, and the covenanters with the obſtinate fury of deſpair. The highlanders were removed, but they were replaced with five thouſand additional troops. The weſtern and ſouthern ſhires were filled with garriſons in private houſes, or with troops permitted to range at large in queſt of conventicles, and indemnified for every violence committed in the ſearch or purſuit. Additional judges were commiſſioned in each county, with the moſt rigorous inſtructions to enforce the laws, and the moſt unlimited and deſpotical powers in eccleſiaſtical affairs; and their diligence and injuſtice were equally ſtimulated by permiſſion to appropriate a moiety of the fines to themſelves. The worſt tyranny is a deſpotiſm under the diſguiſe of the laws. On the ſlighteſt expreſſion or ſuſpicion of

[11] See NOTE III.

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discontent, the opponents of Lauderdale were accused and convicted of propagating sedition, imprisoned and fined by the privy council; and, under the accumulated oppressions of government, men began to grow weary of their country, and even of their lives. In the furious administration of Lauderdale, it is in vain to search for the remote and latent causes of public events, or to reduce them under any common arrangement or description of crimes. Every new severity was productive of additional discontent, which fresh severities were employed to exasperate and repress; nor is a different principle to be discovered in the government of Scotland, during the reigns of Charles and his brother James. As the vindictive rigour and resentment of government were at once the cause and effect of the public discontent, each year, and, with a single, transient exception, every administration was worse than the preceding. Persecution and fanaticism continued mutually to exasperate and augment each other, but it is the nature of persecution to vitiate the human heart, and to debase and contaminate the national character wherever it prevails. The unhappy victims whom it reduces to despair, become vindictive, cruel, and unrelenting as their persecutors; and if inferior in open force, more insidious in their revenge. The covenanters had already begun to retaliate on the military, of whom some were murdered at night in their quarters, when an event which threatened to revive the practices of the

the ancient Scots, impelled each party to the moſt deſperate extremes [12].

1679. Murder of Sharp. May 3.

Under the primate's juriſdiction and influence, Carmichael, one of the commiſſioners appointed to exterminate conventicles, was peculiarly noted for his cruelties in Fife. If we may believe his enemies, he was accuſtomed among other enormities to beat and abuſe the women and children, and to torture the ſervants with lighted matches, to diſcover where their huſbands, their fathers, or maſters were concealed. Nine of thoſe unhappy fugitives, who wandered in ſmall parties, intercommuned and interdicted from ſociety, determined to intercept and chaſtiſe his perſon, if not to avenge their wrongs on his life. When about to ſeparate, after an ineffectual ſearch, they were informed of the archbiſhop of St. Andrews' approach. As he was ſlightly attended, the opportunity was embraced as a ſpecial diſpenſation, and the temptation was interpreted a divine call to perpetrate a deteſtable deed. They purſued and overtook his coach upon Magus-Moor, within a few miles of St. Andrews; diſmounted his attendants, and as their ſhots proved ineffectual, dragged the archbiſhop from his daughter's arms. His offers and entreaties for life were unavailing. They proteſted that they were actuated by no motives of perſonal revenge, reproached him with perjury in Mitchel's trial, admoniſhed him of the blood of the ſaints, in

[12] Woodrow's MS. Collections, vol. 43. 4to. Hiſt. ii. 9. 27. Burnet, ii. 182.

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which his hands were embrued, and, amidſt the ſhrieks and ſtruggles of his daughter to ſave him, left his dead body in the highway, transfixed, and covered with the moſt barbarous wounds [13].

Hi. character.

From the firſt beginning of the reformation in Scotland, Sharp was the third archbiſhop of St. Andrews who had ſuffered from popular or private revenge. The aſſaſſination of Cardinal Beaton, was a crime congenial to the manners of the nation and the vices of the age. The execution of archbiſhop Hamilton was ſanctioned by the forms of a legal attainder: but the murder of Sharp was regarded even by his enemies as an inhuman act, that redeemed his memory from ſome ſhare of the deteſtation which he had incurred [14]. That he was decent, if not regular in his deportment, endued with the moſt induſtrious abilities, and not illiterate, was never diſputed; that he was vain, vindictive, perfidious, at once haughty and ſervile, rapacious and cruel, his friends have never attempted to diſown. His apoſtacy was never forgiven by the preſbyterians; but inſtead of diſarming their reſentment by moderation, he became an unrelenting perſecutor, like moſt apoſtates, actuated by a hatred to the ſect which he had deſerted and betrayed [15]. Indifferent to the doctrines, but to the reproaches of his former party the more feelingly

[13] Woodrow's MS. vol. iv. 8vo. Hiſt. ii. 30. Sharp's Life.

[14] Burnet, ii. 266. Crawford's MS. Hiſt. ii. 143.

[15] Omnis apoſtata ſuæ ſectæ oſor, was applied alſo to Lauderdale.

alive,

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alive, he appears, under the maſk of religious zeal, to have conſulted and uniformly gratified his private revenge. His death was acceptable to none but the wilder fanatics, who diſcovered, in a crime of which they durſt not have previouſly approved, *the execution of righteous judgment by private men.*

Inſurrection in the Weſt.

The aſſaſſination of a prelate and privy counſellor, might be expected to excite a ſevere inquiſition; but the government was inſpired with the moſt frantic revenge. The people were prohibited the uſe or poſſeſſion of arms; and in the proclamation to diſcover the aſſaſſins, the whole body of fanatics was implicated in the crime. Field and armed conventicles were declared to be treaſon. The people who attended were indirectly ordained to be put to the ſword; and when the military were employed to execute this ſanguinary proclamation, it was not difficult to predict the inſurrection that enſued. The conventicles which perſecution alone had created, united into larger maſſes, and from the very means employed to ſuppreſs them, acquired the formidable appearance of a regular army, and of a camp, to which none, except from the near vicinity, repaired unarmed. Parties continued, during the week, in arms, agitated by the murderers of Sharp, who had ſecretly joined them, and impelled by their preachers to ſomething more than defence. A party of fourſcore appeared at Rutherglen, on the anniverſary of the reſtoration, burnt the ſtatutes and acts of council reſtoring epiſcopacy, and proclaimed an unſubſcribed declaration as their ſolemn teſtimony againſt

May 29.

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1679. againſt the defection of the times. A prudent government might have diſſembled the inſult, or deferred the puniſhment for a few days, till their zeal had ſubſided, and their conventicle was diſperſed. A violent government is incapable either of reflection or delay. Graham of Claverhouſe, afterwards the celebrated viſcount Dundee, was inſtructed to ſeize, or on their reſiſtance, to extir-

June 1. pate the rebels by the ſword. Next Sunday he diſcovered and attacked their conventicle on Loudoun hill. His dragoons were defeated with loſs by a detachment of undiſciplined peaſants, and he was almoſt intercepted himſelf by the gallant Cleland who was killed at the Revolution, in the defence of Dunkeld. Elated perhaps with ſucceſs, and afraid to diſperſe or return to their homes, they advanced to Glaſgow, where they were repulſed at firſt; but while their numbers were ſtill inconſiderable and eaſily diſſipated, the town was evacuated, and the whole country abandoned, as if to permit the inſurrection to increaſe. The privy council, ſo vigilant and prompt to ſtrike while the people were tranquil, recalled its forces to the capital when the people were unwarily betrayed into an inſurrection; and amidſt the moſt vigorous preparations through the reſt of Scotland, a ſevere adminiſtration appeared ſolicitous only to juſtify and enrich itſelf by the growing magnitude of the revolt [16].

[16] Woodrow's MSS. vol. xliii. 4to. vol. iv. 8vo. Hiſt. ii. 44. App. 41. Crawford's MS. Hiſt. ii. 145.

The

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1679 The insurrection accidental.

The insurrection, becauſe it was naturally anticipated or predicted, has been repreſented as actually inſtigated by the popular leaders in the Engliſh parliament. From the meaſures purſued in Scotland, commotions, however accidental, were certainly not unexpected [17]; but the popular leaders had already been introduced into office; the opponents of Lauderdale, through whom alone they could operate on the covenanters, had returned to court, encouraged by a change of adminiſtration to renew their complaints; no commanders nor officers were provided; no perſons of rank or influence appeared in arms, and the inſurgents were joined by none but the intercommuned, whom the government had reduced to a vagrant and perſecuted life of deſpair. Hamilton and the Scottiſh lords humanely offered to diſpel the inſurrection without arms or the effuſion of blood, if the ſufferings of the people were alleviated, and their oppreſſors removed. Eſſex, Halifax, Sunderland, and Temple, endeavoured to procure the removal of Lauderdale; Ruſſel and Shafteſbury, to introduce their friends into the adminiſtration of Scotland; but the king was inflexible, notwithſtanding their urgent entreaties, and they concurred in his choice of a general in Monmouth, his favourite ſon. Military aid or aſſiſtance from England was oppoſed and prevented by Eſſex and Shafteſbury; apprehenſive,

[17] Such ſeems to be the foundation of a paſſage in Algernon Sydney's Letters, p. 37.; from which ſome have inferred that the inſurrection was not accidental. See, however, p. 48. of his Letters, edit. 1772.

as

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as has since appeared, that a standing army might again be raised [18]; but the most ample powers were conferred on Monmouth, to negociate or fight: Such instructions were the more alarming to Lauderdale, lest a rebellion ascribed to the violence of his government might be appeased by lenity, if time or opportunity were given to reclaim the insurgents. When the council had adjourned, he demanded privately, if the king intended to follow his father's footsteps to the scaffold; represented that the commotions, prolonged and encouraged by treaty, might soon extend to the two kingdoms; excused his silence in council, by the insinuation of a crafty favourite, "Were not your enemies at "the board?" and persuaded Charles that his son, whom he scrupled not to entrust with arms, might connive with the insurgents if permitted to negotiate. The instructions were secretly altered, to a positive injunction, to be opened in the field, not to treat, but to attack the rebels wherever they were found [19].

Suppression by Monmouth at Bothwell-bridge.

The militia and regular troops were collected at Edinburgh, before Monmouth's arrival; and he advanced against the insurgents at the head of ten thousand men. The whigs, as the covenanters were denominated, remained at Bothwell bridge, in the neighbourhood of Hamilton, to dispute the passage of the Clyde. Their numbers never exceeded four thousand, divided among themselves

[18] See in Dalrymple's Memoirs, i. 264, 314, Essex's Letter to the King.

[19] Burnet, ii. 268. North's Examen. 81.

by

by religious diſputes[20]. The original inſurgents propoſed to condemn the indulgence from which they had ſeparated; the moderate preſbyterians refuſed to accede to the declaration at Rutherglen, or renounce their allegiance; and the grounds of their recourſe to arms were not yet adjuſted when Monmouth appeared. The latter ſent to negotiate with Monmouth, who refuſed, according to his inſtructions, to treat; required them to ſurrender at diſcretion within an hour, and promiſed on their ſubmiſſion to intercede with the king. But the fanatics were neither prepared to fight, nor diſpoſed to ſubmit. The bridge was obſtinately defended by Hackſton of Rathillat, who was ordered, when his ammunition was expended, to retire to the main body, by Hamilton, a preacher who had aſſumed the command. Monmouth's forces were neither attacked while they paſſed, nor when they formed beyond the bridge. On the firſt diſcharge of artillery, the covenanters were deſerted by their ghoſtly commanders, and overthrown by the diſorder produced among their undiſciplined horſe. Four hundred were killed in the field. A body of twelve hundred ſurrendered at diſcretion, and were preſerved from maſſacre, by the humanity of Monmouth. Rejecting the advice of his officers to ravage the country, he diſmiſſed the militia; enforced the diſcipline of

June 22.

[20] Woodrow's MS. vol. xliii. 8vo. Hiſt. ii. 55. Burnet, 269. At firſt they were repreſented at eight, but afterwards reduced to five thouſand in the reports to the privy council.

his

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his troops to prevent depredation; and when he departed with his priſoners, even the fanatics acknowledged that his clemency had preſerved them from ruin. His humanity was leſs acceptable at court, where his mercy to rebels was cenſured afterwards by the duke of York; and the king himſelf is accuſed, and apparently with truth, of an infamous declaration, that had he been there the government ſhould not have had the trouble of priſoners[21]. His reception, however, was affectionate; and he was decorated with the title of highneſs, as if a legitimate prince of the blood. His repreſentation to Charles, that field meetings had originated from the ſeverities practiſed againſt houſe conventicles, procured an indemnity and a limited indulgence; diſappointed afterwards by Lauderdale's influence, and his own diſgrace.

Scottiſh lords heard againſt Lauderdale,

In the mean time the Scottiſh lords had obtained an audience, and counſel were fully heard on their complaints. But the principal charges were prejudicated by Charles, who declared that it belonged to the crown to diſpoſe of offices, therefore to incapacitate from public truſt; to prevent conſpiracies, therefore to impriſon ſuſpected perſons; to ſuppreſs inſurrections, therefore to raiſe and diſtribute troops at diſcretion, to quarter or employ them as his exigencies required; nor in thoſe particulars, would he ſuffer his prerogative to be impeached or touched. A declaration the moſt

[21] Burnet Confirmed by Cuningham, i. 44. and partly by Macpherſon's Original Papers, i. 93. Woodrow's MSS. vol. iv. 8vo.

extraordi-

extraordinary ever uttered perhaps by a limited monarch, was combated with a ſpirit honourable to the memory of Lockhart, who aſſerted that the places from which perſons thus incapacitated had been arbitarily excluded, were conferred by the free ſuffrage of the people, in their corporations or counties; and that his majeſty's opinions, reſpecting conſpiracies and inſurrections, were inconſiſtent with the ends for which government was eſtabliſhed. It appeared indiſputable, that Lauderdale's adminiſtration was rapacious, cruel, unjuſt, and perfidious; and that the introduction of a barbarous horde to live at free quarters on the country, in profound peace, was prohibited by the expreſs laws and conſtitution of the realm. Mackenzie was reduced to the wretched ſubterfuge, that as conventicles were figuratively ſtyled in the laws the rendezvous of rebellion, the counties where theſe predominated were in a ſtate of actual revolt. Eſſex and Halifax declared, that the complaints were fully eſtabliſhed; the former acknowledged that the Scots were entitled by their conſtitution, to greater freedom than the Engliſh themſelves; but they were afraid to ſubſtitute Monmouth to Lauderdale; and the king was not aſhamed to abſolve the adminiſtration which he was unable to vindicate. It was determined that nothing had been done by Lauderdale but what his majeſty had commanded, and would uphold by his prerogative, which was above all law. In private he acknowledged that many deteſtable things had been done by Lauderdale againſt the Scots, but that nothing againſt

Who is acquitted by the king.

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againſt his ſervice had appeared; a ſentiment not leſs diſhonourable, than natural to a ſovereign who forgets when he ſeparates his intereſt from the people, that he creates an intereſt in oppoſition to the throne [22].

Oppreſſions after the inſurrection.

When the triumph and tyranny of Lauderdale were thus confirmed, the indulgence of houſe conventicles was of ſhort duration, and the indemnity was converted into an amneſty for himſelf, and the malverſation of his friends. To the covenanters, the exception of the officers, clergy, and gentry, of all who had contributed to the inſurrection, and neglected to ſurrender within two months, was rather an act of proſcription than of grace. A ſevere inquiſition was made, but the torture proved ineffectual, to diſcover the ſuppoſed correſpondence with the diſaffected in England. Kid and King, two fanatical preachers, were executed at Edinburgh while the indemnity was proclaimed. Five others, innocent of the archbiſhop's blood, were ſelected to expiate his murder at Magus-Moor. Twelve hundred perſons conducted from Bothwell, were confined in the Grey Friars' church-yard, where they remained five months, uncovered and expoſed to the inclemency of the ſeaſon. The greater number were at length diſmiſſed, on their bonds of peace. The more obſtinate were ſhipped for the plantations, but the veſſel was loſt in the Orkneys, and from the inhumanity of the maſter,

[22] Woodrow's Hiſt. ii. 102—7. Burnet, ii. 264. Ralph, i. 465. See in State Tracts, temp. Car.; and in Somers' Tracts, vii. 195. 200. the additional charges againſt Lauderdale.

who

who refuſed to releaſe the priſoners, two hundred periſhed in the wreck. But the government, gratified by an inſurrection ſo long ſolicited, was more intent at preſent on confiſcation than revenge. Claverhouſe was permitted, by his rapacious cruelties, to avenge his defeat; but the court of juſticiary performed a more lucrative circuit in the weſt. In every pariſh informations were taken or ſupplied by the curates. The gentry excepted from the indemnity, their tenants, or others ſuſpected of wealth, who had neglected to ſurrender, were accuſed indiſcriminately of the murder of Sharp, their ſhare in the late inſurrection, or their attendance on conventicles; and the innocent, unleſs they compounded in private, were remanded to priſon till releaſed on ſurety; the abſent were attainted, and forfeitures, during each ſucceeding circuit and year, continued to multiply as a proviſion for the army, and a ſource of emolument to the ſervants of the crown. Another ſource of lucrative oppreſſion was diſcovered in an obſolete law, againſt ſuch as failed to attend the ſtandard or hoſt of the king. The gentlemen of Fife, and the Lothians, were convicted in ſuch numbers, by the juſticiary court, that the remaining ſhires were remitted for diſpatch to the privy council; and by a refined iniquity, the battle of Bothwell was almoſt equally ruinous to thoſe who were preſent from diſaffection, or abſent through fear. But the clemency of the king was gratuitouſly extolled, becauſe in abetting the

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extortions of his miniſters, he commuted an obſolete treaſon for the moſt exorbitant fines [23].

1679. Duke of York's arrival.

Ever ſince the fall and impeachment of Danby, the duke of York had reſided on the continent, till his unexpected appearance, and influence at court, on his brother's illneſs, diſgraced and reduced Monmouth to the ſame exile from which he had returned himſelf. The approach of a new parliament did not permit the duke to remain long in England; and to accompliſh the removal of Lauderdale, the earl of Tweedale ſuggeſted that there was no place ſo fit, or ſo honourable as Scotland, for the reception of the preſumptive heir to the crown. The cabinet determined that the duke ſhould return with his family from Bruſſels, to reſide in Scotland; and although he refuſed to concur in diſplacing Lauderdale, it was obvious that the adminiſtration there would devolve into his hands. During his firſt viſit, he interfered but little in public affairs; diſcovered a preference for neither party; and by his condeſcending affability, ſtudied to conciliate all ranks to his intereſts, by his induſtrious application to promote the ſervice of the king. But his deportment was artificial, and his affable condeſcenſion, ſo remote from the haughty reſerve of his character, was aſſumed to eſtabliſh his intereſt in Scotland, and when fortified there as in Ireland, to ſupport his right of

[23] Brand's Deſcription of Orkney, 32. Woodrow, ii. 70. 90. Sir John Lawder, Lord Fountainhall's Deciſions.

ſucceſſion

ſucceſſion by arms [24]. Within three months, when the Engliſh parliament was prorogued, he was recalled to court. On his departure he aſſured the privy council of his unalterable regard, and promiſed to acquaint the king, that in Scotland he had a brave and loyal nobility and gentry, a wiſe and regular council, judicatures filled with learned and upright judges, that the diſaffected were not near ſo conſiderable as repreſented in England, and that the highland clans, from his endeavours to remove their animoſities, were united and firmly attached to the throne. The privy council was not deficient in aſſurance of ſupport, or atteſtation of his worth; and had he never returned to Scotland, it is probable that he would not have forfeited the eſteem which the nation ſtill entertained for the houſe of Stewart [25].

Origin of the Cameronians.

But a party now appeared among the preſbyterians, prepared to renounce their allegiance to the crown. The origin of this new ſect muſt be aſcribed to the rigours of government; its extravagance, to the ſufferings which the intercommuned had endured. When proſcribed and driven from their abodes by government, they were purſued by the military like beaſts of prey; and their fanaticiſm was daily exaſperated and confirmed by their ſufferings and deſpair. While they roamed or lurked throughout the country, heated and

[24] Dalrymple's Memoirs, i. 276. 347—65.

[25] Macpherſon's Orig. Pap. i. 96—8. 100. Burnet, 275. Woodrow, ii. 111—49.

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1680. mutually inflaming each other, with religious frenzy, their preachers began to conſider their king as a tyrant, and to ſeparate from the great body of the preſbyterians, who, according as they enjoyed his protection, or acknowledged his authority, were involved in the iniquity or defection of the times. Cargill and Cameron, who had eſcaped from Bothwell, returned from the continent to their vagrant flock, which acquired from the latter the name of Cameronians; a deſignation ſtill appropriated to a religious ſect and a regiment of the line. A party appeared in arms at Sanquhar, where Cameron read and affixed a declaration to the market-croſs; that although deſcended from the race of their ancient kings, Charles Stewart, by his perjuries in the breach of his covenanted vows, by his tyrannical government and uſurpation over their civil and religious liberties, had diſſolved their allegiance, and forfeited all right and title to the crown. They were ſurpriſed at
July 20. Airdſmoſs, in the diſtrict of Kyle. Cameron and his brother, fighting back to back, obtained by their gallantry an honourable death. Hackſton of Rathillet, and fifteen horſemen, were taken priſoners; but the foot, a deſpicable band of forty peaſants, retired into the moraſs from the purſuit of the guards. Cargill alone continued to preach in the fields. At a conventicle held in the Torwood, he pronounced a ſolemn excommunication againſt their perſecutors, the dukes of Lauderdale, Rothes, Monmouth, York, and the king himſelf; a ſentence ludicrous at preſent, but productive then

then of a deep and indelible impreſſion on the whole ſect. While we pity or deride their extravagance, it is difficult to condemn them entirely for diſowning a government under which they had enjoyed no reciprocal protection, but on the contrary were uniformly perſecuted and proſcribed [26].

Executions.

The indignity done to the majeſty, or name of king, was ſeverely avenged. Cameron's head was inhumanly preſented to his aged father, confined in priſon, and affixed with his hands to the city gate, in the mock attitude of prayer. Rathillet's ſentence was firſt determined by the privy council, and pronounced next day by the juſticiary court. It appeared that he was preſent, without aſſiſting, at the murder of Sharp; but there is reaſon to believe that he had endeavoured previouſly to diſſuade his aſſociates from the primate's death. Although reduced ſo low by his wounds that he was preſerved from torture as unable to ſurvive it, he ſuffered with indifference the amputation of his hands, and endured, with an enthuſiaſtic fortitude, the utmoſt rigour of an atrocious puniſhment, which continues to diſgrace the humanity of our laws and age. The other priſoners were executed to a man; their heads exhibited a barbarous ſpectacle at the entrance of the city; or, if ſtolen and interred by the piety of their friends, were replaced by the heads of other priſoners taken with Cargill [27].

[26] Woodrow, ii. 133—44.

[27] Id. 142. Cruickſhank's Hiſt. ii. 68. Burnet, ii. 324. Fountainhall's Memoirs, MS. Adv. Library.

BOOK VIII.

1680. Duke of York's ſevere adminiſtration.

However cruel or incredible theſe executions may appear, they were exceeded on the duke of York's return to Scotland. As if the guilty were inſufficient to aſſuage the thirſt of revenge, the innocent were artfully involved in their guilt. Availing itſelf of the frantic deluſion which its own violence and oppreſſion had created, the privy council intermixed its tortures with the moſt enſnaring queſtions: Was Sharp's death murder? Was the riſing at Bothwell rebellion? Is Charles king, or a tyrant whom it is lawful to dethrone or deprive of life? The unhappy victims of ſuſpicion and rage, too ſincere, or from the torture unable to prevaricate, were diſmiſſed from this ſevere inquiſition to the juſticiary court; from the juſticiary court to the place of execution. Among the firſt who ſuffered, for opinions not treaſonable till extorted by the council, was a brother of the laird of Skene, convicted on his anſwers to thoſe interrogatories: but the puniſhment was afterwards extended even to helpleſs females, in the flower of their youth [28]. The wretched Cameronians who ſuffered death for their religious opinions, expired with ſuch reſolution, that when their lives were offered by the duke, if they would acknowledge, or even exclaim on the ſcaffold, God bleſs the king, the very women refuſed to forfeit the crown

[28] Id. They were executed with ſome others for child murder. "I am but twenty," ſaid one, with an affecting ſimplicity, "and am not come here for murder, for they "can charge me with nothing but my judgment." Cloud of Witneſſes.

of

of martyrdom. The frenzy of theſe deluded creatures might have excited the compaſſion, but could never juſtify the reſentment of government. Their puniſhment demonſtrated the unextinguiſhable hatred and fury of the royaliſts, who believed that their former ſufferings could never be avenged. From each example they perceived that the opinions were propagated which they attempted to ſuppreſs, and that the veneration for the covenant was cheriſhed and encreaſed by the dying breath, and the blood of ſuch numerous martyrs with which it was atteſted and ſealed. But inſtead of remitting an unavailing puniſhment, they transferred the execution to an early hour, at a diſtance from the city, to avoid the multitudes, whom the ſufferers never failed to convert by their death. It is ſaid that the perſecution was ſtopt by the duke, who committed the fanatics to hard labour in a houſe of correction. No example of the fact exiſts; on the contrary, executions for private opinion continued to multiply during his whole adminiſtration and reign. It is aſſerted, by the ſame author, that he indulged, without emotion, in contemplating the torture of ſtate priſoners, as a curious experiment, while other counſellors recoiled from the ſcene; and on one occaſion it is certain that he aſſiſted from choice, when Spreul was twice expoſed to the queſtion almoſt without intermiſſion [29].

[29] Burnet, ii. 324. 424. Woodrow, ii. 164. See Note IV.

BOOK VIII.

1681. His character.

His diſpoſition was haughty, ſevere, inflexible; and his natural ſeverity, heightened by bigotry, was never mitigated by experience; for his character was better adapted to ſuſtain adverſity with patience, than proſperity with moderation. The mediocrity of his genius was compenſated, imperfectly, by application to buſineſs. He introduced a ſtrict œconomy into the revenues of Scotland, but was never able to comprehend the extenſive, and reciprocal intereſts of the people and the throne. His ſincerity was the more eſtimable when compared with his brother's; but he contemned, and without ſcruple perverted the impartial adminiſtration of juſtice; and his promiſes were ſometimes infringed by his bigotry, ſometimes by the pernicious maxim of ſtate neceſſity. On his return, he forgot the moderation obſerved in his former viſit; and if he continued affable to the tories, as the royaliſts were now denominated, his mind, exaſperated perhaps by a ludicrous incident which I ſhall proceed to relate, appeared inexorable to the fanatics, of whoſe ſupport he deſpaired. Having engroſſed the adminiſtration to himſelf, he formed a motley party, compoſed of Lauderdale's opponents and friends; and impatient of an honourable exile, diſpatched his favourite Churchill to ſolicit his recall, which was ſtill inexpedient, or permiſſion to hold a parliament in Scotland, which it was impoſſible to refuſe [30].

Univerſity ſhut up.

The ſtudents at the univerſity of Edinburgh, had engaged by an oath to burn the pope in

[30] Fountainhall's Memoirs, MS.

effigy

effigy at Chriſtmas. Notwithſtanding the vigilance of the magiſtrates and the military, to prevent this juvenile inſult to the duke's religion, they accompliſhed their purpoſe with much fortitude and addreſs. The impriſonment of theſe youthful patriots was reſented by the populace. The blue ribbon of the covenant [31] was revived by boys and apprentices, with an inſcription againſt the pope; and the court party retorted by wearing red ribbons, with a device expreſſive of their abhorrence of fanaticiſm. Amidſt theſe abſurd diſputes, the provoſt's houſe was burnt to the ground. The accident was aſcribed to revenge, and although no diſcovery was made, the univerſity was ſhut up, and the ſtudents expelled for a time from the town. Theſe incidents convinced the diſcerning Churchill that the duke was unable, without his brother's ſupport, to maintain himſelf in Scotland, much leſs to aſſert his right of ſucceſſion by arms [32].

A parliament. Aug. 13.

The parliament, which was intended to ſtrengthen, and in the one kingdom to ſecure his right of ſucceſſion, was opened with magnificence: the crown was borne by Argyle, a diſtinction regarded as ominous to his family; and on the death of Rothes, the office of chancellor becoming vacant, retained the chief nobility in dependence and

[31] Hence a true blue whig, from the favourite colours of the covenant, adopted, it is ſaid, from an injunction to the Jews (Numbers, xv. 38.) Fountainhall's Mem. MS.

[32] Dalrymple's Mem. i. 365.

ſuſpenſe.

BOOK VIII. 1681.

ſuſpenſe. An objection to the duke's commiſſion, as a papiſt incapacitated to repreſent his brother, was privately agitated; but Hamilton refuſed to embark in a dangerous oppoſition, unleſs a majority were previouſly ſecured [33]. On aſſurance of additional ſecurity for the proteſtant religion, an act was paſſed to aſſert the unalterable right of ſucceſſion to the crown. From a fruitful principle, that the regal power was of divine origin, the parliament declared that no difference of religion could alter, that no ſtatute nor law could ſuſpend, the lineal order of ſucceſſion to the crown; and that it was treaſon either to attempt an innovation, or to propoſe limitations on the future adminiſtration of the preſumptive heir. When we peruſe the act, and conſider how ſoon thereafter the crown was forfeited; when we contemplate how frequently and happily the lineal ſucceſſion has been ſince inverted, we muſt ſmile with contempt at the extreme fragility of political laws, and the anxious precaution with which the moſt violent are framed to be broken.

Act of ſucceſſion.

Complaints againſt Hatton.

The decline of Lauderdale's credit expoſed his brother Hatton to detection and diſgrace. He was accuſed of perjury on Mitchell's trial; his letters were produced; and the infamy of the fact was proclaimed in parliament, but the inquiry was ſuppreſſed. Lord Bargeny, the duke of Hamilton's kinſman, impriſoned as acceſſory to the inſurrection of Bothwell, had been twice produced at the bar,

[33] Burnet, ii. 325. Fountainhall's Mem. MS.

and

and accuſed of treaſon; but although the day was frequently prefixed, his trial was deferred. When reſtored to liberty, he diſcovered by diligent inveſtigation, that two priſoners, taken at Bothwell, were ſuborned by Hatton, the earl of Murray, and ſir John Dalrymple, to give falſe evidence againſt his life. Their depoſitions, in which duke Hamilton was implicated, were prepared beforehand; they were promiſed a ſhare of the confiſcated eſtates, but whenever the trial approached, their conſcience revolted againſt the crime [34]. Bargeny's evidence was ready to be produced. Perjury and ſubornation, charged in open parliament againſt a ſupreme judge and an officer of ſtate, demanded public inveſtigation, a condign puniſhment, or the moſt ample retribution; but the duke interpoſed, to prevent enquiry; though not diſpleaſed that Lauderdale and his brother were expoſed to public infamy, ſatisfied that they would remain at the mercy of the crown [35].

1681.

The act of ſucceſſion had paſſed, on the promiſe of the two brothers to grant whatever ſecurity for the proteſtant faith the parliament ſhould require; but the performance of this public, and ſolemn aſſurance does no credit to the ſincerity of James.

Teſt.

[34] Burnet, ii. 325. Woodrow, ii. 125. Cuningham of Mongrennan's Declaration (ſubjoined to the Original Papers on the Scotch Plot, 1704); a curious picture of the corruption of the times. He was ſuborned with his ſervant; but as he failed to deſerve a pardon by perjury, was convicted two years afterwards of the inſurrection at Bothwell. Woodrow, ii. 292.

[35] Fountainhall's Dec. i. 150.

When

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When demanded ſo loudly that it could no longer be withheld, the ſecurity of the proteſtant religion was inſidiouſly converted into a teſt of paſſive obedience, for the ſecurity of the throne. A declaration from perſons in office, of their adherence to the proteſtant religion, was at firſt propoſed. The court party ſubjoined a recognition of the ſupremacy, a diſavowal of the covenant, and an obligation never to aſſemble in order to deliberate on civil or eccleſiaſtical affairs, without the king's permiſſion; never to riſe in arms without his authority, nor otherwiſe to endeavour an alteration of government in church or ſtate. The oath was to be received under the penalty of confiſcation, and ſworn according to its literal acceptation, by all perſons in civil, military, or eccleſiaſtical offices; the king's legitimate brothers or ſons excepted: and as the teſt was meant to incapacitate the preſbyterians, it was extended to the whole body of electors, and members elected to ſerve in parliament [36].

Oppoſed with violence.

Such a violent invaſion of their privileges excited fierce debates. The preſbyterians would have diſpenſed with the ſecurity of religion, to avoid the teſt, which the duke regarded and urged as a political engine, the biſhops as a ſalutary expedient for the preſervation of their order, againſt the danger to be apprehended from a preſbyterian parliament. However ſecure from their own innovations, lord Belhaven obſerved that there was no

[36] Fountainhall's Memoirs, MS. Burnet, ii. 329.

proviſion

proviſion to preſerve their religion againſt a popiſh or fanatical ſucceſſor; but the words were no ſooner uttered than he was ſent to the caſtle. Argyle, with more moderation, deplored the frequency of religious oaths, but oppoſed the exemption of the royal family, as a permiſſion, if not an encouragement to depart from the national church. If an exemption were made, he propoſed that it ſhould be expreſsly confined to the duke; but when the latter roſe to reſiſt the motion, he concluded that the exception was pernicious to the proteſtant faith; and notwithſtanding a previous intimation, that he would oppoſe whatever was adverſe to religion, his words were obſerved to produce a deep and indelible impreſſion on James. But the oppoſition to the teſt was ineffectual, nor was a delay admitted for a ſingle night. As it was difficult to aſcertain, or define with accuracy, what was the preciſe ſtandard of the proteſtant religion, Dalrymple, the preſident, ſuggeſted as the rule of faith, the earlieſt confeſſion of the firſt reformers, framed to expoſe the errors of popery, and to juſtify their reſiſtance to the queen regent, and ratified by the firſt parliament of James VI. when Mary was compelled to reſign her crown. It was artfully propoſed as irreconcilable to the teſt, and had been diſuſed ſo long for the Weſtminſter confeſſion, that its contents were unknown to the illiterate prelates, and adopted without being underſtood or read. The teſt was accordingly framed, and approved by a majority of ſeven votes. When examined, it appeared a maſs of the moſt abſurd

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1681. Its contradictions.

contradictions. A long inconſiſtent oath was preſcribed, to adhere, according to this obſolete confeſſion, to the proteſtant faith, yet by the recognition of ſupremacy, to conform to whatever religion the king might appoint; to maintain the former preſbyterian diſcipline, yet to attempt no alteration in the preſent epiſcopal form of the church; to abjure the doctrines, and renounce the right of reſiſtance, but at the ſame time, as a religious duty incumbent by the confeſſion on good ſubjects, to repreſs the tyranny and reſiſt the oppreſſion of kings. No ſincere preſbyterian could ſubſcribe the oath. None of the epiſcopal perſuaſion could aſſent conſcientiouſly to the confeſſion of faith. A papiſt could accept of neither. But when both were conjoined, and every explication different from the literal ſenſe was diſavowed, it was impoſſible, without perjury, either to receive or to reconcile the teſt to itſelf [37].

Explanations of the teſt.

The parliament concluded with little credit to the reputation of James. Whatever were his moral or private qualities, it was obſerved that he inherited all the obſtinacy, and the ſame ſpecies of political inſincerity, which his father poſſeſſed; but, in the management of parliament, diſcovered little capacity for the nice conduct of public affairs [38]. To evade the promiſe of an additional ſecurity for the proteſtant faith, he deceived and

[37] Burnet, 331. Fountainhall's Mem. MS. Dec. i. 149. Woodrow, ii. 195. Argyle's Caſe, p. 3. written by Sir James Stewart.

[38] Fountainhall's Dec. i. 157.

endea-

endeavoured to entangle the preſbyterians in an enſnaring teſt. From his own violence, he was over-reached by Dalrymple, and the oath intended to exclude the preſbyterians, was rendered adverſe and equally irreconcilable to every religious perſuaſion and ſect. A teſt contradicted throughout by the confeſſion of faith, was expected to be abandoned; but the court party was inured to political oaths. The duke was determined not to forego the political advantages of a teſt from which he was relieved himſelf; a ſtrange example of the nature of perſecution, and of his character, in exacting from the preſbyterians an acknowledgement of the eccleſiaſtical ſupremacy of the crown, which his own religion diſavowed, nor permitted him to ſubſcribe. But the eſtabliſhed clergy were the firſt to diſſent. To appeaſe their ſcruples, an explanation prepared by Paterſon, biſhop of Edinburgh, was approved by the privy council; that it was not meant to aſſent to every propoſition, but to the fundamental articles of the confeſſion of faith; and that the apoſtolical right of epiſcopacy was neither diſowned, nor an alteration of its legal eſtabliſhment intended by the teſt. But the oath was to be received in its literal acceptation. Eighty clergymen, more conſcientious and pious, reſigned their livings, rather than ſubſcribe either to the literal ſenſe or explanation of the teſt. The preſbyterians moſtly declined the oath. The earl of Queenſberry ſubſcribed it in council, with a courtly explanation, that the obligation not to attempt an alteration

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1681. Argyle's explanation.

alteration in church or ſtate, implied no oppoſition to any alteration introduced by the king [39].

The earl of Argyle, when required by the duke to ſubſcribe the teſt, was admoniſhed privately, by the biſhop of Edinburgh, not to ruin an ancient family, nor augment the reſentment which his oppoſition had kindled. In the late parliament an attempt had been made, with the duke's concurrence, to diveſt him of his family juriſdictions and eſtate. Inſtead of the ordinary judicatures, a ſpecial commiſſion was next propoſed, to examine, or rather to reſume the gift of his father's forfeiture; he was refuſed acceſs to the king for protection; diſplaced with Dalrymple from the court of ſeſſion; and no doubt can remain of the duke's intention to ruin a potent nobleman, whoſe implicit and unreſerved ſupport he deſpaired to obtain. Argyle, aware of the danger, would have reſigned his employments; but on obtaining the duke's approbation, he accepted the teſt as a privy counſellor, with an explanation: "That as the "parliament never meant to impoſe contradictory "oaths, he took it as far as conſiſtent with itſelf, "and the proteſtant faith; but that he meant not "to bind or preclude himſelf in his ſtation, in a "lawful manner, from wiſhing or endeavouring "any alteration which he thought of advantage to "the church or ſtate, and not repugnant to the "proteſtant religion, and his loyalty; and this he

[39] Woodrow, ii. 198. Argyle's Caſe.

"underſtood

"understood to be a part of his oath." His explanation was graciously received. He resumed his seat on the duke's invitation, but declined to vote in the general explanation which the council pronounced that day on the test. Next day he was required in council to renew the oath, as a commissioner of treasury, and when he referred to his former explanation, it was clamorously demanded. Alarmed at this eager importunity, he acknowledged, but refused to subscribe the explanation, and was immediately displaced from the council board. Within a few days, he was enjoined to enter prisoner in the castle, and accused of leasing-making, perjury, and treason; of depraving the laws, and assuming the legislative powers of the state [40]. BOOK VIII. 1681. For which he is accused.

His trial.

No man could believe, that the ministerial cabal was so bold and flagitious, or the duke of such a ductile or tyrannical disposition, as to persist in a judicial trial, to deprive Argyle of his honours, estate, and life. Nothing farther was apprehended at first, than a design to extort, by menaces, a more ample submission; the surrender of his jurisdictions, and a part of his estates. Eight advocates, who signed an opinion that the explanation was legal, were severely threatened; the assistance of Lockhart was thrice prohibited, and granted only lest Argyle, if deprived of counsel, might refuse to plead. The iniquity of the whole trial is manifest; but it is proper

[40] Woodrow, 3. 7. &c. Burnet, ii. 335.

BOOK VIII.

1681. Dec. 12.

to inveſtigate the minute particulars, as a wholeſome example to future times. When arraigned at the bar of the juſticiary court, Argyle's explanation of the teſt was perverted throughout. That the parliament never meant to impoſe contradictory oaths, was converted by Mackenzie, the king's advocate, into a tacit, defamatory implication, that ſuch contradictory oaths were impoſed by parliament. That he took the oath as far as conſiſtent with itſelf and the proteſtant religion, implied, maliciouſly, that it was conſiſtent with neither. That he was not thereby precluded from ſuch alterations as he deemed advantageous, abſolved him treaſonable, inaſmuch as his majeſty's conſent was omitted, from every obligation to the church or ſtate. That he underſtood this to be a part of his oath, invaded and transferred the legiſlative power of the eſtates to himſelf. On ſuch miſerable comments, leaſing-making, perjury, and treaſon, were deduced from a perverſion of the moſt innocent words. The pleadings are extant, and the arguments of Lockhart reflect diſhonour on the public accuſer and the court. He demonſtrated to the ſecret conviction of the judges themſelves, that the explanation, far from amounting to treaſon, was not even criminal; and that the particular expreſſions, inſtead of depraving the laws, were of the moſt innocent import, neceſſary to diſburden the conſcience from perjury, and ſtrictly legal. But the queſtion was already prejudged in council. The court was adjourned; but the judges continued ſitting till midnight, to determine on the *relevancy*

of

of the libel, whether in point of law the explanation of the teſt was ſufficient to conſtitute the crimes which the indictment contained. Collington, an old cavalier, Harcarſe a juſt and learned judge, oppoſed and prolonged the deliberations on the *relevancy* of the indictment, which was ſupported by Newton and Forret, the former inſtruments of Lauderdale's corruption. Queenſberry, who preſided as juſtice general, had received the oath with an explanation himſelf; and in this delicate ſituation, when the judges were equally divided, his conviction was ſufficiently atteſted, by his reluctance to forfeit the preferment and favour of court, by a deciſive vote to abſolve Argyle. To relieve him from this diſgraceful dilemma, Nairn, a ſuperannuated judge, whoſe attendance had been long diſpenſed with, was rouſed from his bed at midnight; and the proceedings were read over, as he had not heard the debate; but he dropt aſleep till awakened for his vote. The interlocutor was pronounced next day, in the ſtrict forms of unſubſtantial juſtice; "Suſtaining "the charges as relevant, repelling the legal "defences againſt treaſon and leaſing-making, and "remitting the indictment, with the defence "againſt perjury, to the knowledge of an aſſize." Unconſcious of this midnight divan, Argyle and his counſel were overwhelmed with ſurpriſe and deſpair. They declined to challenge the jurors and interrogate the witneſſes, or diſdained to renew an unavailing defence. The jury aſſerted their full ſhare of infamy, in this iniquitous tranſaction.

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Montroſe, the chancellor or foreman, diſhonoured his grandfather's memory, to avenge his death; and of eleven peers and four commoners, ſeven were privy-counſellors, perſonal enemies, deeply engaged in the proſecution of Argyle. From a groſs affectation of impartiality, they acquitted him of perjury in receiving the oath in a falſe acceptation, but found by an unanimous verdict, that he was guilty of treaſon and leaſing-making to their full extent[41].

Convicted.

Motives of the trial.

It is in vain that apologetical hiſtorians pretend, in vain does James aſſert in his memoirs, that nothing more was intended than to wreſt ſome dangerous juriſdictions out of the hands of Argyle. A man who perverts the courſe of juſtice, to acquire an undue power over another's life, has no claim to credit for the motives which it may be convenient to aſſert, when his victim has eſcaped. Argyle had already offered to ſurrender thoſe juriſdictions, unconditionally, to the king. The deſign was to ruin the head of the preſbyterian party, and to divide his eſtates among the duke's friends. Whatever were their original deſigns againſt his life, his execution, if ſentence were once pronounced, was a ſingle, additional ſtep which their ſafety might require, and the duke's authority was ſufficient to ſuſtain. When convicted formerly of the ſame fictitious crimes, he was preſerved by Lauderdale, whoſe influence had now declined, and he diſcovered that no favour was to be expected

[41] Burnet. Argyle's Caſe, ii. 5. 8, 88.

at

at court. On the return of his meſſenger, he was informed of the king's inſtructions, that the ſentence ſhould be pronounced and the execution ſuſpended; but every intimation ſeemed to announce that his death was reſolved. The military were ordered to town, and his guards were doubled. Apartments were provided for his reception in the public gaol, to which peers were removed from the caſtle before execution. The dark and ambiguous expreſſions of the duke and his creatures, implied that his execution was neceſſary, and that it would be eaſier to ſatisfy the king when done, than to procure his conſent. Whether theſe inſinuations were employed to intimidate Argyle, he eſcaped that evening in the train of his daughter-in-law, the lady Sophia Lindſay, diſguiſed as her page. Sentence of attainder was immediately pronounced. His honours, eſtate, and life, were forfeited in abſence; his arms were reverſed and torn; his poſterity incapacitated; and a large reward attached to his head. Notwithſtanding a general alarm, and a vigilant purſuit, he was conducted to London, by Veitch a clergyman, through unfrequented roads; and Charles, who poſſeſſed not the common juſtice to pardon and reſtore him, had the generoſity not to enquire after the place of his retreat [42].

Argyle's eſcape.

Never was a ſentence productive of more execration and horror; never, perhaps, was a ſentence more flagitiouſly obtained, than the

Effects of his ſentence on the public.

[42] Argyle's Caſe, 121. Burnet. Woodrow, ii. 213. Fount. Dec. i. 167.

BOOK VIII. 1681.

attainder of Argyle. Even the epiſcopal party, whom James had attached to his perſon and intereſt, were indignant at the ſhameleſs proſtitution of juſtice, and the depravity of the prime nobility, who had conſpired or condeſcended to the baſeſt offices, to accompliſh the ruin of an ancient houſe. But the preſbyterians were ſtruck with conſternation and deſpair. The moſt obnoxious of ſuch as had oppoſed the teſt, and among theſe, the earl of Loudon, Dalrymple the late preſident, Stewart an advocate, Fletcher of Salton, retired to the continent. Hamilton, and the proprietors of twenty ſheriffſhips, or extenſive regalities, rather than receive a teſt ſo pernicious to Argyle, ſuffered their hereditary juriſdictions to lapſe and revert to the crown [43]. From the horror and antipathy which the ſentence inſpired, the preſbyterians became ever after irreconcileable to James. He allowed them, they ſaid, to continue proteſtants, but if they once ventured to aſſert their faith, not the moſt uniform and meritorious ſervices could atone for a ſingle act of oppoſition or of zeal [44]. Their fears were communicated to thoſe who had urged his excluſion with ſuch violence in England, whom the diſſolution of the laſt parliament of Charles had left unprotected; and Argyle's caſe, which was printed in London, produced a deep impreſſion on the public mind. From the coincidence of the two events, his attainder, at the duke's inſtigation, was compared with the acquittal

[43] Woodrow, ii. 225. [44] Fount. Mem. MS.

of

of Shafteſbury, againſt whom it appeared that the king himſelf had condeſcended to ſolicit evidence, if not to practiſe the arts of ſubornation. There was nothing ſimilar to the corruption of the peers and jurors of Argyle; except the venal evidence allotted in England to the vileſt of mankind. But the excluſioniſts anticipated their own deſtruction, from the attempt to ruin the two proteſtant earls; and if ſuch were the firſt fruits of the duke's adminiſtration in Scotland, what was to be expected from his tyrannical diſpoſition when he ſhould aſcend the throne? What, but the moſt ſanguinary reign of proſcription and terror? the fear of which was productive of extenſive conſpiracies, in which the patriots of each kingdom were involved.

Duke ſhip wrecked.

Lauderdale, who had outlived his influence, and by a timid vote for the condemnation of Stafford, incurred the duke's reſentment, ſunk under the weight of vexation and age [45]. After the fall of the excluſioniſts, the duke was recalled to court; but was ſhipwrecked on his return to Scotland, to place the adminiſtration there in confidential hands. He was preſerved in his barge, to which Churchill, Legg, and the earls of Middleton and Perth, were admitted: others were ſaved by boats from the attending yacht, but the veſſel ſunk with ſeveral perſons of diſtinction on board. It was maliciouſly ſaid, that

[45] His brother ſucceeded to the title of earl; but the rapacious ducheſs had impoveriſhed and deſpoiled the family of its principal eſtates. See Fount. Mem Dec. i. 208. 223.

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the duke appeared chiefly ſolicitous for his prieſts and dogs; but if more lives might have been preſerved in his barge, the teſtimony of the drowning ſeamen acquits him of the firſt part of this inhuman charge. As if inſenſible to the horrors of their own ſituation, they gave a loud ſhout while ſinking themſelves, when they obſerved him ſafely received into the yacht. On his arrival in Scotland, Queenſberry was appointed treaſurer, and created a marquis; Perth, juſtice general, an important office in the preſent reign; Gordon of Haddow, chancellor, with the title of earl of Aberdeen; and to theſe men the adminiſtration of the kingdom was entruſted by James, with inſtructions ſufficient to authoriſe the moſt unrelenting rigour. After a ſhort ſtay, he returned with the moſt ample and abſurd teſtimonies from the biſhops, of his affection for the church [46].

Severe adminiſtration.

As a change of adminiſtration was productive of no change in the meaſures of a deſpotical government, the unhappy country procured no relief. Every new miniſtry created to purſue the ſame meaſures, endeavoured to exceed the violence of its predeceſſors, and to enrich and recommend itſelf, by oppreſſion, to the court. The moſt ruinous penalties were ordained to be levied without mitigation; and the people, ſenſible that unleſs they conformed they were utterly ruined, returned in a body, but with marked averſion or contempt to the churches, where, in ſome places,

[46] Burnet. Macpherſon's Orig. Pap. i. 135. Kennet. Fount. Mem.

a ſermon

a ſermon had been diſcontinued for many years. The perſecution of conventicles became far more ſevere; the adminiſtration of juſtice more corrupt than ever: the execution of fanatics became daily more frequent: even the military were inveſted with juſticiary powers; and the ingenious cruelty of the juſticiary court was exhauſted in the invention of new laws and of new crimes. As if the inſurrection of Bothwell were not yet avenged, Hume, an inconſiderable landlord, as ſuch excepted from the indemnity, was convicted without evidence of acceſſion to the rebellion, becauſe his *defence was repugnant to the indictment*, or in other words contradictory to the crimes of which he was accuſed. But his father had ſat as a juryman on the trial of Haddow, the chancellor's grandfather; and as if a retribution were due to the duke's religion, the anniverſary of Stafford's death was ſelected for his execution[47]. Another trial, of which the conſequences were more extenſive and memorable, created an alarm through the whole kingdom. Laurie of Blackwood was convicted of treaſon for converſing with tenants involved in the guilt of rebellion. They had remained two years unmoleſted, neither proſecuted nor intercommuned, but the judicial preſumptions on which he was condemned, were ſtrung together in a manner that exhibits a curious ſpecimen of the logic and inventive ſubtlety of an iniquitous court. As every good ſubject was bound to

Hume's trial and execution.

Laurie of Blackwood's illegal ſentence.

[47] Fount. Mem. Woodrow, ii. 268. Burnet, ii. 340.

diſcover

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discover those whom he suspected of treason, it was treason to converse with a suspected person, however innocent he might prove. But a person once engaged in a rebellion, must be presumed to incur the suspicion of the neighbourhood. The suspicion of the whole neighbourhood must be known to each individual in it. But it was proved that the persons with whom Blackwood had conversed, had been concerned in rebellion, and presumed, as the sole grounds of his conviction, that their treason could not have escaped nor failed to excite his suspicion. His execution was frequently respited, as his attainder sufficed to establish a lucrative precedent for a new and comprehensive crime [48]. A proclamation was issued against all who had ever harboured or communed with rebels: circuit courts of justiciary were appointed for their trial and condemnation as traitors; and this inquisition was to subsist three years, when an indemnity was promised; but an immediate absolution was conferred on such as accepted the test. The proclamation, since Alva's persecutions in the Netherlands, the most atrocious perhaps which the world had yet seen, comprehended twenty thousand who had held a promiscuous intercourse with rebels, and were reduced to the cruel alternative of perjury or treason. In the succeeding circuits it was strictly executed in every article, nor did the ministry dissemble their wishes, that the people might be

Its extensive consequences.

[48] Burnet, 243. Fount. Dec. i. 213.

compelled

compelled by its rigour to abandon the kingdom; but the people flocked to the teſt, as they did to church; proteſting that they received it againſt their conſcience, to avoid deſtruction to themſelves [49]. 1683.

Conſpiracy in England.

Wearied, however, with the tyranny which they had long endured, and terrified at the proſpect of the ſeverer tyranny for which they were reſerved, the preſbyterians were diſpoſed to yield to the deſign, and abandon a kingdom where none were ſafe. The wealthy, alarmed at Blackwood's attainder, prepared to ſettle or to ſell their eſtates. A ſcheme concerted during Lauderdale's oppreſſion was revived, to eſtabliſh a colony in America, and tranſport themſelves and their followers to its unpeopled wilds. Thirty-ſix noblemen and gentlemen entered into the aſſociation, and their agents contracted with the patentees of Carolina for an extenſive ſettlement, where their freedom, religion, and name, might be preſerved [50]. The ſcheme was encouraged by James, who preferred a deſolate country to a diſaffected people. But the excluſioniſts in England, alarmed at the approaching danger of the duke's ſucceſſion, had projected on the ſudden illneſs of Charles, an early inſur-

[49] Fount. Dec. Burnet, ii. 345. "When Dundonald regretted "the devaſtation of the weſt by the highlanders, Lauderdale "replied, that it were better the country bore windle ſtraws "and ſand larks than boor rebels to the king. This, though not "fond of quoting his authority, they now repeated to the king." Fount. Mem. MS.

[50] Woodrow, ii. 230.

rection.

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rection in the event of his death. After the retreat and death of Shafteſbury, Ruſſel and Sidney renewed the communication with the diſcontented city, exaſperated at the loſs of its charteted privileges, and invited the Scots to co-operate, while the plan of inſurrection extended through England. Men about to abandon their country from oppreſſion, were prepared for the moſt deſperate enterprize to preſerve it. Under the pretext of the American expedition or purchaſe, lord Melvile, ſir John Cochran, Baillie of Jerviſwood, Monro, ſir John Campbell of Ceſnock, and ſir George his ſon, were invited and repaired to London, to conſult with Monmouth and the council of ſix. A treaty was opened by means of Carſtairs, a clergyman, with Argyle and the Scottiſh exiles in Holland. Ten thouſand pounds were demanded for the purchaſe of arms, with which Argyle undertook to begin an inſurrection in the weſt of Scotland. The earl of Tarras, Monmouth's brother-in-law, was inſtigated to take arms with his friends on the borders, as ſoon as the firſt ſignal of revolt was ſounded in England. Nothing, however, was yet determined nor properly matured. Money was neither provided for Argyle, nor were the Scottiſh conſpirators ſatisfied with the dilatory caution of their Engliſh confederates, whom they regarded as a disjointed cabal, fit only to debate, but incapable of an inſurrection, which was daily deferred. While they ſent to reſtrain the impetuoſity of their countrymen, they determined, unleſs greater vigour were immediately

1683. Diſcovery of the Ryehouſe plot.

adopted, to ſeparate from the confederacy, and conſult for themſelves [51].

An inſurrection entruſted to ſo many, and delayed ſo long, could not remain concealed. A ſeparate plot, of which the ſubordinate conſpirators had diſcourſed, but concerted nothing, was firſt detected, to aſſaſſinate the king and his brother at the Ryehouſe, on their return from Newmarket; and the virtuous Ruſſel, the heroical Sidney, ſuffered for a conſpiracy of which they were ignorant. The Scottiſh conſpirators were implicated in the diſcovery; and Argyle's letters, which perplexed the moſt ſkilful decypherers, were intercepted. Melvile and Cochran eſcaped to Holland: Ferguſon, the celebrated plotter, was traced to Edinburgh; but when the gates were ſhut, he found a ſecure aſylum in the common gaol, which was leaſt apt to be ſuſpected or ſearched. The reſt were ſecured, and remanded to Scotland to be tortured or condemned. But the Scottiſh conſpirators had acted with more circumſpection than the Engliſh, though impatient of their delays; and from the evidence of Holmes and Shephard, nothing but hearſay reports had tranſpired. To extort a diſcovery of their guilt, Gordon of Earlſton, attainted in abſence, and intercepted with credentials from the Cameronians to their friends abroad, was ordained by Charles to be tortured

[51] Sprat's Account of the Ryehouſe Plot, 26. 647. Carſtairs' State Papers, 10. 14.

after

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after a ſentence of death; but at the ſight of the inſtruments of torture, inſtant madneſs was produced by his horror and deſpair [52].

Ceſnock's trial,

But in ſtate offences, nothing more than the forms of juſtice were obſerved in Scotland, and even from theſe the juſticiary court was impatient to recede. Sir Hugh Campbell of Ceſnock, an old and venerable gentleman, was firſt arraigned. As there was no proof of his acceſſion to the conſpiracy, he was accuſed of abetting the inſurrection at Bothwell, by reprimanding or exhorting the deſerters to return. His defence, that he was then in his own houſe, remote from the place where the ſuppoſed words were uttered, was over-ruled as contrary to the indictment, inferring perjury againſt the evidence for the crown. His proof was rejected, that the witneſſes were actuated by revenge, and ſuborned by rewards. But when the firſt witneſs was produced, and his condemnation appeared inevitable, he ſtopt and adjured him ſolemnly, in the midſt of his evidence: "Look full in my face, and by the perilous oath "you have ſworn, take heed to what you ſay; "for I declare, at the peril of my own ſoul, that "to my remembrance I never beheld your face "before." Though tutored by previous examinations, the witneſs was ſtruck with this impreſſive addreſs. He acknowledged that he knew of nothing againſt the priſoner; and a loud ſhout expreſſed the ſympathetical emotions of the public

[52] Dalrymple's Mem. i. 57. Woodrow, ii. 311. Fount. Dec. i. 245.

mind.

mind. His companion faultered and confeſſed the ſame ignorance; confounded by a low and indignant murmur, "What! would you ſwear "away the honeſt old gentleman's life?" Perth, the juſtice general, whoſe brother had obtained a previous gift of the expected forfeiture, endeavoured repeatedly to prompt and direct the evidence; but the jury for once interpoſed, and acquitted the priſoner, after a violent diſpute with the bench. But the witneſſes were loaded with chains till they retracted their evidence; the jury were proſecuted for a riot in court; and old Ceſnock, abſolved by their verdict, was detained in priſon during the remainder of his life[53].

And unexpected acquittal.

His acquittal was fatal to Jerviſwood, whoſe life was the more eagerly ſought, to convince the people, by a public example, of a genuine conſpiracy to aſſaſſinate the king. Every diſcovery was expected from Argyle's letters, which required a double key, for the explanation of the cyphers, and the collocation of the words. Spenſe, Argyle's ſecretary, detected in England, was expoſed by Perth to repeated tortures. After enduring the common inſtruments with fortitude, he was deprived of ſleep for a week, till a new engine was invented, whoſe excruciating torments he was unable to ſuſtain[54]. Yet in this extremity he was

Jerviſwood's trial and execution.

[53] Fount. Dec. i. 286. Woodrow, ii. 382.

[54] Id. 387. Burnet, ii. 425. Carſtairs. The thumbikins, ſmall ſcrews of ſteel that compreſſed the thumb and the whole hand with an exquiſite torture; an invention brought by Drummond and Daliel from Ruſſia. Fount Dec. i. 300.

careful

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careful to ſtipulate, before he conſented to decypher the letters, that his evidence ſhould never be judicially employed. Carſtairs, ſubjected to the ſame tortures, yielded to the ſame conditions. The diſcoveries thus extorted, revealed the correſpondence with the earl of Tarras and his friends, whoſe evidence againſt Jerviſwood was procured by threats or the hopes of life. He was produced for trial in the laſt ſtage of decay, when the rigours of a long impriſonment had left him few days, or even hours to live. The day after his indictment, he was arraigned at the bar. The defective teſtimony of his nephew Tarras was ſupplied by the extrajudicial confeſſion of Carſtairs, which was perfidiouſly read and ſuſtained, not as legal evidence, but by a judicial ſophiſm, as an *adminicle* of proof. His condemnation was to be expected on the moſt imperfect evidence; but he was conducted on the ſame day, and within a few hours, from the bar to the ſcaffold, leſt his execution might be diſappointed by a natural death. Notwithſtanding the enfeebled and dying ſtate to which he was reduced, his deportment is deſcribed as a mixture of Roman greatneſs, and Chriſtian reſignation; and the ſanguinary Mackenzie, the king's advocate, ſhrunk from his keen reproaches with compunction and ſhame. His declaration on the ſcaffold was interrupted, as uſual, by the noiſe of drums. But his ſpeech was diffuſed in writing, atteſting the common principles of the whigs, his attachment to monarchy and the king's perſon; but aſſerting the right of

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Dec. 24.

reſiſtance

reſiſtance to preſerve the conſtitution and the proteſtant faith, and to prevent the judicial effuſion of innocent blood. His ſiſter-in-law, a daughter of Wariſton, had voluntarily ſhared his impriſonment, and ſupported his exhauſted frame on the trial. She attended his laſt moments on the ſcaffold, and with more than female fortitude, contemplated the melancholy execution of an horrid ſentence; his head affixed to the city gates, his body diſmembered, quartered, and preſerved, to be diſtributed among the principal towns in the weſt [55].

Juſtice proſtituted for the purpoſe of extortion.

The remainder of this atrocious reign exhibits little elſe than a cruel and oppreſſive deſpotiſm, from the moſt unprincipled extortion to the moſt frantic and ſanguinary exceſſes of revenge. Inſtead of remaining a barren example, the attainder of Blackwood was improved into a fruitful precedent againſt all who had harboured rebels, or inadvertently communed with perſons ſecretly guilty, as ſuſpected of treaſon. A general inquiſition was made by the clergy and officers of juſtice, in each county, and almoſt in every pariſh of the weſt and ſouth. A voluminous and ſecret roll of delinquents was prepared in each, for the approaching circuits of the juſticiary court [56]. There

[55] Woodrow, Addenda, vol. i. ii. 394. Fount. Dec. MS. Burnet, ii. 427. State Trials, vol. iii.

[56] The *porteous* rolls for Air contain three hundred, for Lanerk, above two hundred ſheets. Few gentlemen were omitted; in Renfrew none. Woodrow, ii. 317.

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the teſt was invariably tendered, to ſupplant the covenant; and among the means by which it was enforced, gibbets were erected in ſome villages to intimidate the people [57]. The unhappy recuſants were crowded into priſons, and if the evidence were defective, convicted on their own oaths, of an intercourſe with rebels, the prevailing crime from which few were exempt. At the concluſion of the firſt circuit, a proſcriptive liſt of two thouſand outlaws, or fugitives from juſtice, was proclaimed to the nation; and to the mockery of all regular government, ſubordinate, or rather intermediate circuits were held, by officers inveſted with juſticiary powers, who ſummoned juries, adminiſtered tortures or oaths at diſcretion, and practiſed every ſpecies of extortion or outrage to be expected when the military are entruſted with the execution of the laws [58]. When revenue becomes the ſole or principal object of government, no nation can ever be truly happy, or exempt from the operation of the moſt vexatious laws; but woe to that devoted country, where the penalties exacted from the wretched inhabitants conſtitute a fixed and regular ſubject of finance! The fines impoſed on nonconformiſts and recuſants, were diligently collected as a ſource of public revenue in Scotland; and to render them the more extenſive and deeply ruinous, a queſtion was moved in the privy council, whether huſbands,

Proſcription of two thouſand.

[57] Woodrow, ii. 412—66.

[58] Id. 318. 401. App. 105. Fount. Dec. i. 235.

liable

liable by ſtatute for the attendance of their wives on conventicles, were not equally amenable for their abſence from church. The men had generally returned to public worſhip, from which their wives abſtained, as unnoticed in the act; and Aberdeen the chancellor, feeling his credit undermined at court, adhered ſtrictly to the laws, which was termed popular moderation in theſe furious times. But the act comprehended all perſons deſerting the church; man and wife were the ſame perſon; and the concluſion, that the huſband ſhould incur the penalties of his wife's tranſgreſſion, was embraced by Queenſberry to repleniſh the treaſury, and by Perth from an avowed maxim that the preſbyterians were to be governed, or rather exterminated, with an extreme rigour, as enemies irreconcileable to the duke's ſucceſſion. When the queſtion was referred to Charles, who had ever deſpiſed the conſcience of women, as much as he eſteemed their perſons, his brother's inſtigation determined ungallantly, that huſbands were reſponſible for the abſence or offence of their wives. To the Preſbyterians this deciſion was of deep importance. Their ladies for many years had withdrawn from church; and their eſtates were expoſed, by an accumulation of penalties, to the mercy of the crown. Within eleven counties, the penalties exacted of every denomination, amounted to an hundred and eighty thouſand pounds ſterling; and other ſhires, to avoid the deſtructive viſitation of the circuit courts, ſubmitted to the land-tax, beyond the

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period for which it was granted by parliament[59]. Nor were the forfeitures for which numbers compounded, included in this eſtimation of fines. Gentlemen of probity and rank, accuſed on the moſt malicious informations, were convicted without legal evidence, on a ſtrained interpretation of obſolete laws, and compelled to redeem their fortunes and lives from ſome worthleſs minion or miniſter of ſtate. Of this iniquitous traffic of juſtice, ſome idea may be formed from the example of a gentleman, who had refuſed, when ſolicited, to contribute a ſmall ſum for the ſupport of Argyle. When the court of ſeſſion was conſulted on this unknown crime, Perth the chancellor, and the fifteen judges, delivered an opinion, that as Argyle, in the firſt inſtance, was a traitor, it was treaſon, in the ſecond inſtance, to contribute money to his ſupport; to ſolicit contributions, in the third inſtance, was equally treaſonable, and in the fourth inſtance, notwithſtanding the refuſal, it was treaſon to conceal ſuch a treaſonable demand. On this infamous but unanimous opinion of the ſeſſion, Porterfield was condemned to death by the juſticiary court, and obliged to compound with his judge lord Melfort, the chancellor's brother, for his eſtate and life[60]. Perhaps there are few preſbyterian families that were neither involved in proſcriptions nor penalties; few of the nobility whoſe anceſtors were neither ſufferers nor ſharers

Porterfield's caſe.

[59] Fount. Dec. 305. Woodrow's Hiſt. Pref. 60.
[60] Fount. Dec. i. 315. Woodrow, ii. 222.

in the iniquity of the times. But where the prifoners were unable to purchafe, or otherwife to deferve their enlargement, the county gaols were difgorged into thofe of the capital; the the mildeft fate of whofe wretched tenants, was to be tranfported as foldiers to Flanders, or as flaves to the plantations [61].

Execution of fanatics.

Amidft the moft rapacious extortions to which the proftitution of juftice was thus inftrumental, the execution of fanatics was never intermitted; but the complexion of government foon affumed a more fanguinary hue. The fituation of the prefbyterians was truly deplorable; their clergy ejected, filenced, and driven into exile; the gentlemen labouring under impriſonment or exorbitant penalties; the peafants haraffed by the army, and oppreffed and ruined by itinerant courts. But the fugitives and the fect of Cameronians, were rendered mad and defperate by the feverer vengeance to which they were indifcriminately devoted. Under the name of the united focieties of the weft, the latter had burnt the teft and the act of fucceffion at Lanerk, and renewed their declaration againft Charles as a tyrant, and againft James as a papift unworthy to reign. They were uniformly convicted on the former enfnaring queftions; was Sharp's death murder? was the rifing at Bothwell rebellion? is Charles king? and not unfrequently executed within a few hours after their fentence was pronounced. The father durft not receive

[61] Woodrow, ii. 339.

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his ſon, nor the wife her huſband; the country was prohibited to harbour the fugitives, and the ports were ſhut againſt their eſcape by ſea. When expelled from their homes, they reſided in caves, among moraſſes and mountains, or met by ſtealth and by night for worſhip; but wherever the mountain men, as they were ſtyled, were diſcovered, the hue and cry was ordained to be raiſed. They were purſued and frequently ſhot by the military, or ſought with more inſidious diligence by the ſpies, informers, and officers of juſtice; and on ſome occaſions it appears that the ſagacity of dogs was employed to track their footſteps, and explore their lurking retreats[62]. At a ſecret meeting of their united ſocieties, they prepared, in language which moves at once our compaſſion and horror, an admonitory declaration to their perſecutors, which nothing could have ſuggeſted, and nothing can extenuate, but the deepeſt deſpair. After a temperate diſavowal of the royal authority, they expreſs their abhorrence of murder committed from a difference of judgment or religious perſuaſion; but admoniſh their ſanguinary perſecutors (between whom and the more moderate, they are careful to diſcriminate) that from the common principle of ſelf preſervation, they will retaliate according to their power, and the degrees of guilt, on ſuch privy counſellors, lords of juſticiary, officers, and ſoldiers, their abetters and informers, whoſe hands ſhall ſtill continue to be embrued in

[62] Woodrow, ii. 429—47—9.

their

their blood[63]. The declaration was affixed to different churches, and appeared the more alarming from the murder of two ſoldiers, active in perſecution, whoſe death the ſocieties have ever diſclaimed. Every petty oppreſſor felt or imagined the knife at his throat. But if a pernicious race of informers was intimidated, the government was inſtigated to atrocities worſe than any which the declaration had denounced. The court of ſeſſion was again conſulted, whether the refuſal to anſwer or to diſavow the declaration on oath, could amount to treaſon; but its proſtituted affirmation was inſufficient to gratify, the forms of legal execution were too dilatory to aſſuage the deſire of revenge. An abſolute and undiſguiſed maſſacre was ordained, by a vote of council; "That whoſo-"ever owned, or refuſed to diſown the declaration "on oath, ſhould be put to death, in the preſence "of two witneſſes, though unarmed when taken." A form of abjuration was preſcribed, as the only ſecurity from military execution. The army was employed to enforce the oath, with inſtructions to put ſuch as acknowledged the declaration to the ſword; to ſummon a jury, and to execute thoſe on the ſpot who refuſed to diſown it; to ſecure their families, above the age of twelve, for tranſportation, and to conſign the habitations of the abſent to the flames. Special commiſſions, or courts of inquiſition, were appointed for twelve counties, with juſticiary powers; and among other inhuman

A maſſacre voted in council.

[63] See NOTE V.

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instructions, women active or obstinate in fanaticism, were ordained to be drowned, as improper objects of military execution[64].

Military executions and murders in the fields.

Such inhuman mandates might appear incredible at present, or exaggerated by party zeal, were they not attested by the records of the privy council. But the execution was not inferior to the spirit with which they were dictated. In whatever districts the declaration had appeared, the aged and infirm were dragged from their homes; the inhabitants of either sex were collected and surrounded by dragoons, with their swords drawn, till the abjuration was received. In other places it was carried by the military from house to house; imposed, indiscriminately, on old and young, and converted into a passport, without which it was death to travel. Innkeepers were required to exact an oath from travellers, that their certificates were genuine; and the meanest centinel was invested often with justiciary powers. Such was the inflexible observance of religious scruples, that many, who had never heard the declaration before, refused to abjure it; and rather than condemn or disown their brethren, were arraigned, convicted, and led to execution on the same day[65]. But as military execution became more frequent, a sanguinary period ensued, from

[64] Woodrow, ii. 401—34, 5. From Mallet's Pref. to Amyntor, it would appear that the warrant for this massacre was signed by the king.

[65] Woodrow, ii. 436—9. App. Hind let loose, 199.

which

which hiſtorians have averted their eyes with horror. The recuſants were ſhot to death on the roads, or at their daily occupations in the fields; the fugitives were ſlain in the purſuit, or maſſacred in their retreats, and as the unbridled rage of the ſoldiers was reſtrained by no ſenſe of humanity or juſtice, the moſt wanton murders were perpetrated without inquiry, and without diſcrimination. Flight was equivalent to guilt, ſuſpicion to proof. To diſown, or acknowledge the king according to the covenant, was alike treaſonable; and death was inflicted in the midſt of prayer, or without an interval to prepare for death. Under the command of Drummond, the officers chiefly noted for ſavage cruelty, were White, Balfour, Grierſon, Urquhart of Meldrum, Douglas the marquis of Queenſberry's brother, and above all, Graham of Claverhouſe, who choſe to forfeit, in the blood of his innocent, defenceleſs countrymen, the heroiſm ſo gratuitouſly aſcribed to the viſcount Dundee. On one occaſion, when ſix unarmed fugitives were intercepted, four were inſtantly ſhot in his preſence; the remaining two were afterwards executed by his order; and on another, a huſband whoſe flight he had arreſted, was produced to his family, to be put to death in the arms of his wife. To enumerate the various examples or victims of cruelty, would be a painful taſk. Of the number who periſhed in priſon, expired on gibbets, or were murdered in the fields, no certain computation is preſerved. But the maſſacres begun in the preſent, continued to increaſe during the ſucceeding reign; and

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and an expreſſion aſcribed, perhaps falſely, to James, was repeated with horror, that it never would be well with Scotland till the country ſouth of the Forth were reduced to a hunting field [66].

Death of Charles.

Charles, convinced, according to ſome hiſtorians, that the government, even in England, was too violent to be permanent, had meditated the recall of his favourite Monmouth, and the exile of his brother, who had engroſſed the whole adminiſtration of affairs. Whatever ſchemes of reform were projected, a ſignal alteration in government was certainly intended; but Scotland had no relief to expect from the return of the duke. Preparations, it is ſaid, were already made for his departure, when the king was ſtruck with an apoplexy, and after a ſlight recovery, relapſed in a few days into another fit, of which he expired. He died in the boſom of the Romiſh church, at the age of fifty-four, but at a juncture ſo critical and opportune for the catholics, his unexpected death was imputed to poiſon [67].

[66] Hind let looſe, 200. Woodrow, ii. 444—51. Cruickſhank, ii. 335. Cloud of Witneſſes. Hiſt. of the late Revolution in Scotland, by J. S. Lond. 1690. On theſe maſſacres, and on the whole perſecution of the reign, the epiſcopal hiſtorians are ſilent as the grave; they have never attempted a minute hiſtory of their church, after the reſtoration. See Skinner's Hiſt.

[67] Macpherſon's Orig. Pap. i. 147. Burnet, ii. 456. Welwood, 142. It is remarkable, but it does not amount to hiſtorical evidence, that the duke of Buckingham concurs with Burnet and Welwood in this fact; that Doctor Short, the principal phyſician who attended Charles, believed that he had been poiſoned, and declared, when dying, that he had been poiſoned himſelf, for ſpeaking his mind too freely of the king's death.

Ever

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1685. His character.

Ever ſince the era of the acceſſion, the ſovereign became ſo much eſtranged from Scotland, that, except in the civil wars of Charles I. his preſence or perſonal interpoſition has ſeldom occurred. From the tranſactions in Scotland, therefore, under Charles II. it is neither poſſible to diſcover his private, nor equitable to judge entirely of his public character. His early misfortunes had rendered him an eaſy, unaſſuming companion, familiar and intimate with his attendants in exile. His converſe with foreign courts had imparted an elegant refinement to his manners, which our former ſovereigns never poſſeſſed. Affable, indulgent, ingenious and communicative, polite without affectation, facetious and witty without malignity, alike exempt from his father's reſerve and his grandfather's buffoonery, he was bleſſed with all the external and ſpecious qualities of an accompliſhed prince; and when reſtored to his ſubjects, appeared to be born for the delight of the human race. But if adverſity be the ſchool of princes, it is ſeldom that they return from exile amended or improved. His ſenſe of misfortunes had been loſt in diſſipation, and although his judgment was ſound and correct, his mind, engroſſed with frivolous purſuits and unworthy pleaſures, was incapable or impatient of application to ſerious affairs. His indolence has been frequently employed to extenuate his vices, by thoſe with whom hiſtory is an apology for the crimes or miſconduct of kings. He was inſincere in his promiſes, to avoid importunity; ungrateful, to eſcape

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escape obligations which he was unable to discharge: but these vices had a deeper root, in the distrust and habitual dissimulation acquired in exile. His unfriendly reception abroad, and perhaps his difficulties after his return, had inspired a settled distrust, not only of all parties, but of all mankind. His intrigues and intercourse with every party, with the presbyterians, cavaliers, and papists, had inured him early to a perfidious duplicity; his easy insinuating address was conducive to the most artful dissimulation; and his systematical disregard of morals is betrayed in the favourite and uniform maxim of his whole life; that men were never honest nor sincere from principle, nor women chaste but from humour or caprice. With the manners, taste, and refinement, he had imbibed the licentious gallantry of the French court; and to his habitual dependence while a fugitive, we must ascribe the venal and prostitute spirit with which, in his secret treaties with Louis, he sold the nation and himself when king. From his popular talents, and the desire of absolute power, which his education among the cavaliers abroad had confirmed, the English found a temporary resource in his indolence and profusion; and until the last years of his reign, his government, however unconstitutional, was comparatively mild. But his mind was alike adverse to the liberties, and irreconcileable to the religion of the nation, ever ready to sacrifice its glory and its interests to his own criminal pursuits and pleasures; and a reign, auspicious and popular

at

1685.

at its commencement, became, as might naturally be expected, disgraceful and odious before its conclusion.

His person was tall and graceful; his countenance an assemblage of harsh but majestic features. Historians, struck with his resemblance to the busts of Tiberius, have indulged a comparison of their characters, and the events of their lives; their invariable choice of unprincipled favourites, whom they successively trusted, hated, and destroyed; the profound dissimulation with which they concealed their designs, their indolence and love of pleasure, their early banishment, unexpected succession, and suspicious death [68]. Neither in the social, though licentious pleasures of his court, nor in the government of England, disquieted and therefore controlled by the most opposite factions, did Charles resemble the solitary and suspicious tyrant of Capræ; but the various, and enormous oppressions of his reign in Scotland, may be compared with the tyranny of the worst Cæsars. The only difference is, that instead of the first ranks of the nobility, whom Tiberius extinguished, a more diffusive, and to the people a more insupportable tyranny, extended over the community at large. The only apology for Charles is, that he was not present to superintend or to restrain his ministers; to witness the tortures, the groans, or the murder of his subjects; to compute the sums that were wrung from their misery, or the

Character of his reign in Scotland.

[68] Burnet. Welwood.

blood

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blood indiſcriminately ſhed by his judges and guards. But the crimes of his miniſters, and the cries of the people, were repeatedly, yet ineffectually, conveyed to his ear: the orders for a maſſacre were certainly executed with his approbation, if not ſubſcribed with his hand; and his refuſal to alleviate or to liſten to the calamities of his ſubjects, beſpeaks a cruel, unforgiving, and obdurate heart; irreconcileable to the preſbyterians from former indignities, and without religious bigotry, ſecretly gratified with religious perſecution.

THE

HISTORY

OF

SCOTLAND.

BOOK IX.

Acceſſion, and Parliament of James.—Argyle's Invaſion and Execution.—Oppoſition to the repeal of the Penal Laws and the Teſt.—Diſpenſing powers exerted.—Origin and progreſs of the Revolution in England—in Scotland.—Convention of Eſtates.—Forfeiture of the Crown by James,—its ſettlement on the Prince and Princeſs of Orange.

BOOK IX.

1685. Acceſſion of James

WHATEVER oppoſition had been made, in the preceding reign, to a popiſh ſucceſſor, there was no party now to reſiſt or diſturb the acceſſion of James. The adminiſtration of the three kingdoms had been placed in his hands; and when the alarm of the popiſh, was ſucceeded by the detection of the Ryehouſe plot, the Engliſh,

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apparently, were not averſe to a tacit compromiſe for the ſurrender of their liberties, if their religion were preſerved. The firſt ambiguous declaration of James, that he would neither depart from his juſt prerogatives, nor invade the eſtabliſhed government in church or ſtate, was repreſented as the word of a prince never yet broken, and magnified as a ſecurity above all law. Addreſſes from every corporate body promiſed a ſecure and permanent authority, if from ſervile corporations, who had ſurrendered or ſuffered their privileges to be violated, it were poſſible to collect the latent ſpirit or ſentiments of the people.

In Scotland.

His acceſſion was equally ſecure in Scotland. Among the nobility and gentry, his reſidence there had procured many perſonal friends, and the royaliſts were attached to his perſon by the impunity with which they were indulged in the abuſe of power; the highlanders, by his attention to their chieftains, and his care to compoſe the diſſenſions of their clans. The preſbyterians appeared the objects rather of his commiſeration than fear. An indemnity was proclaimed on his acceſſion; but an act of oſtentatious clemency was diſappointed, as uſual, by the exception of all above the rank of mechanics or peaſants, and the unhappy fugitives were required to ſurrender within three weeks, and to ſubmit to the oath of allegiance or to perpetual exile. While the oath of allegiance was thus exacted, it is obſervable that the coronation oath for Scotland was declined by James, as repugnant to the religion which he

propoſed

propoſed to introduce; but the omiſſion was employed, in a few years, to juſtify the declaration that he had forfeited the throne[1].

Tyranny continued.

The indemnity gave no intermiſſion to the murders in the fields; on the contrary, military violence continued to increaſe. The wretched fugitives were daily ſhot; or, if tried by a jury of ſoldiers, executed often in cluſters on the high-ways; and the officers, who ſhould have reſtrained the troops, were accuſtomed, with a ſavage fury, to piſtol the priſoners with their own hands. Even the humanity of government was barbarous, and diſgraceful to a civilized ſtate. Numbers were tranſported to Jamaica, Barbadoes, and the North American ſettlements; but the women were not unfrequently burnt in the cheek, and the ears of the men were lopt off to prevent or detect their return. The moſt inhuman injunctions which the council had iſſued, were implicitly executed. Three women at Wigton, who refuſed the oath of abjuration, were condemned to be drowned. The youngeſt, a child of thirteen, was ſuffered to eſcape. But her ſiſter, a girl of eighteen, and the other, a woman upwards of ſixty, were faſtened to ſtakes beneath the ſea mark, that as the tide flowed around them, they might ſuffer the lingering horrors of a protracted death. The eldeſt was firſt ſuffocated by the riſing tide. The youngeſt was ſuffered to recover, and after reſpiring awhile, was perſuaded by her relations, to

[1] Woodrow, ii. 471—3. Fount. Mem. MS.

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acknowledge or bleſs the king; but when they demanded her releaſe, Winram, the officer who attended the execution, on her refuſing to ſign the abjuration, ordered her to be plunged again into the ſtream till drowned [2].

A parliament. April 28.

A parliament, ſummoned in the preceding reign, was opened by Queenſberry the commiſſioner, who had engaged to render the government more deſpotical than ever, on aſſurance that the proteſtant religion ſhould be preſerved. The king's intentions were ſignified in the moſt arbitrary ſtrain, that the eſtates were aſſembled, not only to expreſs their duty, but to exhibit an exemplary compliance to others (the Engliſh parliament); that his demands were neceſſary rather for their own ſecurity than for the aggrandizement of his prerogative, which he was determined to maintain in its brighteſt luſtre; and as nothing had been left unattempted, by a fanatical band of aſſaſſins and traitors, he truſted that no meaſure would be omitted to ſuppreſs their murderous deſigns. The commiſſioner and chancellor, who enlarged ſucceſſively on the letter, indulged in the moſt virulent invectives againſt the fanatics, whom they humanely propoſed to extirpate, not as rebels to the king, but as inveterate enemies to the human race. They recommended the moſt unreſerved ſubmiſſion, and never perhaps was a parliament aſſembled more obſequious to the crown. All oppoſition was removed with the preſbyterians,

[2] Woodrow, ii. 481—5, 6. Appen. 153.

who

who were excluded by the teſt. Apparently all ſenſe of freedom was extinguiſhed. The parliament, in a declaration or tender of duty, acknowledged the ſolid and abſolute power with which the firſt and moſt fundamental laws of their monarchy, had inveſted the ſovereign; profeſſed their abhorrence of every principle derogatory to his ſacred and ſupreme authority, in which alone their ſecurity or their rights conſiſted; promiſed a paſſive or entire obedience without reſerve; and as the firſt fruits of their ſubmiſſive loyalty, the whole nation, fit for arms, was devoted to his ſervice; the exciſe was annexed to the crown for ever, and the land-tax conferred on the king for life [3].

New treaſons and attainders.

In the ſevere laws againſt fanatics, the parliament was equally reſponſive to his demands. As perſecution renders the duty of a witneſs odious as the taſk of an informer, the people were generally averſe to judicial oaths. The refuſal to give evidence againſt traitors was converted into treaſon; againſt other delinquents, into the ſame crimes of which they were accuſed; and in the hands of the privy council, the rigors of the inquiſition were juſtly apprehended from this outrageous act. To adminiſter or receive the covenant, was created treaſon; to acknowledge its authority, or even to write in its defence. A ratification was beſtowed on every illegal judgment and

[3] Woodrow, ii. 453. App. 147. Ralph, 857. Parl. 1685. c. 2. 12.

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act; and to atteſt the iniquitous adminiſtration of government and juſtice, the privy council, the judges and officers, both of the ſtate and army, were indemnified for their acceptable ſervices to the king. Field preachers were already ſubjected to confiſcation and death. The ſame puniſhment was extended to preachers in houſe conventicles, and to the whole audience in field meetings; a law of which the inhuman rigor may be eſtimated from the legal definition of thoſe crimes. Domeſtic worſhip, attended by five perſons in addition to the family, was puniſhable as a houſe conventicle; but if frequented without, at the doors or windows, the latter was reputed a field conventicle, for which the whole congregation were to ſuffer death. The teſt was extended almoſt to all ranks, under ſuch pecuniary penalties as the council ſhould impoſe; but the attainder of the late conſpirators was an immediate ſource of revenue to the crown. Sixteen were attainted in abſence; among whom were the earl of Loudon, lord Melvile, Fletcher of Salton, ſir Patrick Hume, Dalrymple, Cochran, and other exiles; ſix were tried at the bar, and among theſe Campbell of Ceſnock ſubmitted, with his ſon, to the king's pleaſure, and, to gratify the rapacious Melfort, was convicted of treaſon [4].

Entails authoriſed.

Amidſt the new treaſons and numerous attainders, which the parliament created or pronounced, an act was paſſed of an oppoſite tendency, to authorize the perpetual entail of lands. That the

[4] Parl. 1685. Burnet, iii. 28.

Scots

Scots ſhould have remained ſo long ignorant, or availed themſelves at ſuch a late period, of a feudal inſtitution which other nations were deſirous to explode, are circumſtances ſufficient to excite our attention and ſurpriſe. The ſtatute of entails was evaded in England before the Scots had begun to ſtudy or improve their laws; and the early ſovereigns of the Stewart family would never have conſented to a device adapted to perpetuate a feudal ariſtocracy, which it was the uniform policy of their houſe to depreſs. But at preſent the nobility were no longer the object of jealouſy or fear. The eſtates were required to confirm the ſentences of Jerviſwood, Argyle, Porterfield; to ratify the opinions of the court of ſeſſion, that it was treaſon not to reveal the demand of contributions for traitors, nor to abjure the treaſonable declaration of the fanatics; to approve the practiſe of the juſticiary court in proceeding to trial and conviction, the day after the citation was given; and the nobility were ſecretly alarmed at the retroſpective treaſons which they were employed to create. From theſe they perceived that the declaration of new laws, and of new crimes, was lodged entirely in the breaſt of the judge; and from the numerous attainders which they were required to pronounce, they felt with terror that their lives were expoſed to the mercy, and their eſtates to the rapacity, of the ſervants of the crown. To preſerve their eſtates from forfeiture, and their families from ruin, it would appear that they ſought an indirect expedient to elude the iniquitous

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quitous laws and corrupt practices, which they were too much dependent to reject or resist. Entails had already been introduced in a few instances, but were reprobated as repugnant to the genius of the laws. Corruption of blood, which obstructs the course of succession, was never incurred as the consequence of attainder, unless inflicted by an act of *disabilitation*; and the estates, relying secretly on the maxim, that nothing more could be forfeited than the person attainted was entitled to alienate, passed an act by which lands might be entailed to perpetuity, and the rights of an endless series of heirs, reduced almost to an usufructuary interest during their lives. Under the pretext of securing their estates from alienation or debts, the nobility undoubtedly expected to preserve their families, in the event of an attainder, from the forfeiture of more than the *life-rent* interest or escheat of the heir [5]. The commissioner consented to the act, to perpetuate his own acquisitions to his family; and from the tyranny of James, entails were introduced into Scotland, when the rigor of the feudal system had almost expired. In a commercial country, above a fifth, or a third part of the lands is excluded from commerce; and entails will continue to increase, till the magnitude of the evil requires an extensive redress.

[5] At the revolution they declared that forfeitures in prejudice of vassals, creditors, and heirs of entail, are a great grievance. Articles of Grievance.

In

1685. Argyle's deſcent:

In the mean while, the exiles attainted by parliament had reſumed the plan of a deſcent on Scotland, to which they were ſtimulated by their private and the public wrongs. Argyle was elected general, and ſupplied by a rich and zealous widow at Amſterdam, with ten thouſand pounds for the purchaſe of arms[6]. Monmouth reduced from the moſt ſplendid hopes to ſudden poverty and deſpair, was invited, and perſuaded by the importunity of his followers, to engage in a premature and deſperate enterpriſe, which his judgment condemned; and Fletcher of Salton, who alone diſſuaded the attempt, diſdained, where he approved the object, to deſert his friends[7]. While Argyle attempted a deſcent in Scotland, it was concerted that Monmouth ſhould land in the weſt of England, where his name and perſon were ſo extremely popular, that the whole country was expected to reſort to his ſtandard. Argyle embarked, with his friends, at Vlie, and to procure intelligence or pilots, ſtopt at the Orkneys; but his ſecretary and ſurgeon were intercepted, on landing, by Mackenzie the biſhop; his expedition was timely diſcloſed to government; and before his arrival at Lorn, the kingdom was placed in a poſture of defence. He erected the fiery croſs, which was ſent through the highlands, to ſummon his clan to arms; and iſſued two declarations,

May 2.

May 17.

[6] Mrs. Smith, a ſugar baker's widow, who had concealed him in London, on his eſcape from Scotland.

[7] Burnet, iii. 18.

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the one addreſſed to his vaſſals, recapitulating his perſonal injuries, the other to the covenanters in the name of his adherents, enumerating pathetically the ſufferings of the nation under popery and tyranny united; proteſting their ſtedfaſt adherence to the covenant, and diſclaiming allegiance or ſubjection to a popiſh king. But his vaſſals had been ſecured on the firſt notice of his approach; the militia was raiſed through the whole kingdom; the preſbyterians were cruſhed by oppreſſion, or reſtrained by the preſence of a military force; and the Cameronians, who renewed their declaration at Sanquhar, ſcrupled to join his promiſcuous aſſociates, the grounds of whoſe declaration was repugnant to their own. Two thouſand five hundred of his clan were collected; but by a fatal overſight, he lingered in Kintyre to increaſe his ſtrength, inſtead of tranſporting his troops to the Clyde to ſurpriſe Dunbarton; to eſtabliſh a communication with the weſtern fanatics, or to juſtify the temerity of his enterpriſe, and confirm the hopes of his followers, by ſome ſignal exploit. This ill-fated nobleman was unequal to the ſituation in which he was placed. His officers diſconcerted his plans, and diſputed his commands. His ſhipping, and the military ſtores which he had depoſited in the caſtle of Ellengreg, were abandoned to ſome Engliſh frigates, and when he deſcended into Lennox to croſs the Clyde, the marquiſs of Athole, the duke of Gordon, and the earl of Dunbarton, penetrating in every direction through the country, had almoſt ſurrounded his diminutive

diminutive army. His intention to fight was overruled by his officers, and his army, in its march by night towards Glaſgow, was miſled or betrayed by the guides into a deep moraſs, where the baggage and horſe were loſt, and all order and ſubordination inſtantly ceaſed. In the tumult and confuſion of a nocturnal retreat, each conſulted his own ſafety, and in the morning not above five hundred of his followers remained. A part eſcaped at Kilpatrick, acroſs the Clyde, and the reſt diſperſed. Argyle, in the diſguiſe of a peaſant, was overtaken at Paiſley by two of the militia, whom his piſtols intimidated; but in croſſing the Inchannon, was attacked and wounded by five others, and exclaimed in falling, alas! unfortunate Argyle! They regretted, and would have concealed their priſoner's rank, whom they durſt not releaſe; but their commander recognized his features notwithſtanding his diſguiſe [s].

1685.

Taken priſoner. June 18.

Never was an illuſtrious priſoner more ignominiouſly treated, ſince the execution of Montroſe. The ſame indignities were prepared for Argyle, from a report that when Montroſe was conducted to priſon, he appeared at a window, to feaſt his eyes with the ungenerous ſpectacle. He was conducted through the ſame gate, like the vileſt malefactor, with his hands bound and his head bare, preceded by the executioner through

And executed on his former ſentence.

[s] Woodrow, ii. 529—39. App. 152. Ralph, i. 854. Fount. Mem. MS.

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1685. the public ſtreets. Tortures were even threatened at his examination, to extort diſcoveries, but nothing tranſpired. The privy council deliberated on a new trial; but his enemies were deſirous to aſſert the juſtice of his former ſentence; his friends might entertain a ſecret hope, that his family would be more eaſily reſtored under a new reign, againſt an attainder ſo notoriouſly illegal[9]; and as the king demanded his execution within three days, he was condemned to ſuffer for his explanation of the teſt. He retained his fortitude, and even his accuſtomed mirth, to the laſt; dined and indulged as uſual, in a ſhort ſlumber before his execution, and in kneeling to ſubmit his neck to the block, embraced the inſtrument of death with an alluſion

June 30. to its name, as the ſweeteſt maiden he had ever kiſſed[10]. His misfortunes and death were univerſally commiſerated. He was twice condemned for fictitious crimes; and his execution on his former iniquitous ſentence, was regarded as little elſe than judicial murder. The cruel and vindictive character of James, was atteſted by the moſt barbarous medals, ſtruck to commemorate his triumph over

[9] Woodrow, ii. 539—41. Lord Hailes aſcribes this, on the authority of a family tradition, to Sir George Mackenzie. (Cat. of Lords of Seſſion, p 24.) No doubt Sir George, at the revolution, would aſſume that merit with Argyle's ſon, when they ſat together in the convention parliament. But he was the man who procured, when king's advocate, that illegal ſentence on which he now moved for Argyle's execution.

[10] Woodrow, ii. 541.

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an innocent, inoffenſive nobleman, whom his own injuſtice had ruined and reduced to deſpair [11].

1685. Severities of government,

That Argyle ſhould obtain a pardon, could hardly be expected from the character of James, who, on Monmouth's defeat, had no mercy nor remiſſion to extend to his brother's favorite ſon. In his memoirs, he endeavours to extenuate his own cruelty, and would perſuade the world, or himſelf, that he was releaſed from the ties of affection and blood, inaſmuch as Monmouth was neither his nephew nor his brother's ſon; but the ſon of Robert, and the nephew of Algernon Sidney, connected both by conſanguinity and treaſon with his inveterate foe [12]. The cruelties of Kirk and Jefferies in the weſt of England, which will never be forgotten, could hardly exceed what the preſbyterians had endured in Scotland for twenty years; but at preſent, from the diſſentions of the miniſtry, the rigors of government were comparatively mild. As there was no battle, few priſoners were taken in arms. Sir Patrick Hume, and the principal officers who croſſed the Clyde, had repulſed the military before they diſperſed; but Archer a clergyman, and Rumbold the malſter of Rye, were wounded and executed; Ayloff, another Engliſhman, was ſent to London, nor

[11] On the one medal, the heads of Argyle and Monmouth placed on altars, their bleeding bodies beneath, with an inſcription, Sic Aras et Sceptra tuemur; on the other, their heads upon ſpikes, and the inſcription, Ambitio maleſuada ruit. Cuningham, i. 62. Pennant's Journey to Scotland, 1772. Echard.

[12] Macpherſon's Orig. Pap. i. 76.

did

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did his affinity to Clarendon, and the king's children, preſerve his life. Cochran, betrayed by his aunt, was redeemed from death by a wealthy father. But the marquis of Athole inflicted cruel ravages on the eſtates of Argyle; put many gentlemen of his name to death; and, but for a timely application to the privy council, would have executed his ſon, in the midſt of a fever, at his father's gate [13]. The gaols were crowded with priſoners on Argyle's invaſion; and numbers, driven northward to Dunnoter caſtle, were confined in a loathſome contracted dungeon, where they periſhed daily, for want of the common benefits of water and air. Numbers were tranſported to the plantations, deprived, as uſual, of their ears, and conſumed by diſeaſes during a long voyage. But the government was ſtill intent on forfeitures; and attainders continued to multiply during the whole reign [14].

Ruinous to James.

The deſtruction of Argyle and Monmouth, inſtead of confirming the authority, firſt contributed to the ruin of James. The mercileſs and bloody circuit, or, as unfeelingly ſtyled in his letters, the campaign of Jefferies [15], deſtroyed the

[13] Fount. Dec. i. 360—71.

[14] Id. 301—8—86—9. Woodrow, ii. 548—57—67—76. Burnet, iii. 24. Hind let looſe.

[15] "Lord chief juſtice is making his campaign in the weſt." "Lord chief juſtice has almoſt done his campaign, he has "already condemned ſeveral hundreds, ſome of whom are "already executed, more are to be, and the others ſent to the "plantations." The conciſe and humane language of a father of his people! James's Letters. Dalrymple's Mem. ii. 53.

apparent

apparent popularity with which his reign had commenced. Elated at the deſtruction of his enemies, or rather intoxicated with uninterrupted ſucceſs, he condeſcended no longer to diſſemble his bigotry or his deſigns. In his ſpeech to the Engliſh parliament, he announced abruptly his reſolution to maintain a ſtanding army, and to diſpenſe with the penal laws and the teſts; and no explanation was neceſſary to convince the nation that the former was intended to eſtabliſh arbitrary power, the latter to introduce the catholics into the church and ſtate. The parliament might have acquieſced in the moſt arbitrary powers which the ſovereign could aſſume; but was diſſolved in anger, as it heſitated to betray the religion, with the liberties of the nation; and from that moment, while his precipitate violence continued to increaſe, it is obſervable that his authority began to decline. His good faith, moderation, and judgment, were univerſally diſtruſted; and the attachment of his proteſtant ſubjects diſſolved. The tories, the univerſities, and the church, amidſt the dangers with which their religion was threatened, forgot their profeſſions of implicit ſubjection, and in the attempt to eſtabliſh the Romiſh faith, no party, a few catholics excepted, adhered to the king. 1685.

Introduction of popery attempted.

The conceſſions refuſed by the Engliſh parliament, were expected from Scotland, where proſelytes received every encouragement which the king could give. Perth the chancellor, and Melfort his brother, diſguſted at Queenſberry's arrogance, preferred an accuſation which appeared ſo

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so frivolous or invidious at court, that, to preserve their own places, they embraced the popish faith, and like true courtiers, ascribed their opportune conversion, to the papers found in the cabinet of the deceased king. According to an observation of Lord Halifax, their faith had made them whole. Queensberry, stript of his employments, discovered, when too late, that neither the sums extorted for the treasury, nor the merit of rendering the prerogative absolute, could atone for his want of the true faith. The administration, entrusted to none but papists, was committed to Perth, a timorous and cruel, to Melfort a cruel and rapacious statesman, and to the earl of Murray, a convert admitted to an ostensible share of power. Proselytes were not numerous; but the new-born zeal of the chancellor was indefatigable. Shoals of priests were allured to Scotland. The press was abandoned to their care and diligence; a royal seminary, or college of Jesuits, for the gratuitous instruction of youth, was erected in the palace, and a chapel was prepared for the private, yet offensive, celebration of mass. But the populace, to whom it was ever odious, rose tumultuously on Sunday, defaced the superstitious ornaments provided for the chapel, and compelled the priest who officiated to abjure his religion at the altar, by accepting the test [16].

Unexpected opposition in parliament.

Murray was appointed commissioner to parliament, to expiate, in the opinion of the catholics,

[16] Burnet, iii. 86. Fount. Mem. MS. Dec. i. 399.

the

the crimes of his anceſtor, by the repeal of thoſe penal laws which the regent Murray, at the reformation, had enacted againſt papiſts. But as many circumſtances had contributed to excite apprehenſion and alarm, the compliant temper of parliament was unexpectedly changed. A ſecret oppoſition was encouraged by the example of the Engliſh parliament. An abhorrence of popery was revived by controverſies, in which the learning and eloquence of the proteſtant divines was ſucceſsfully diſplayed, and the revocation of the edict of Nantz, produced an indelible impreſſion on the minds of men. The French proteſtants were diſperſed through Europe; their outcries, and the repreſentations of their ſufferings, increaſed the horror entertained at popery, and the arrival of fifty thouſand refugees in England, afforded a real argument; and a ſpectacle of its cruel and perſecuting ſpirit, which it was impoſſible to reſiſt. Under a prince more intolerant and bigoted than Louis XIV. the epiſcopal party began to apprehend, that the ſame perſecution which they had inflicted on fanatics was reſerved for themſelves, and as the repeal of the penal laws was ſufficiently underſtood, the parliament, of late ſo devoted to the crown, became equally tenacious of the rights of the eſtabliſhed church. When April 29. the king's letter was read, and enforced by the commiſſioner's ſpeech; when, in return for his offer of a free intercourſe of trade with England, and an ample indemnity for ſtate offences, he demanded that his innocent and loyal ſubjects of the

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the catholic perſuaſion, might be reſtored to the protection of the laws, and releaſed from obligations inconſiſtent with their faith; the eſtates replied, in reſpectful yet equivocal terms, that they would proceed as far for the relief of papiſts as their conſcience would permit[17].

Repeal of the penal laws and the teſt attempted.

The expreſſion uſed by James, implied the removal of every diſability; and as the offer of a commercial intercourſe with England was deemed irreſiſtible, the court party propoſed the repeal both of the penal laws, and of the teſt ſo adverſe to the king's deſigns. They repreſented that the penalties attached to the Romiſh worſhip, confiſcation and corporal puniſhment for the firſt offence, baniſhment for the ſecond, and the pains of treaſon for the third, were unworthy of a chriſtian or even a civilized ſtate; that it was a ſmall conceſſion to gratify the king by the repeal of laws too ſevere and ſanguinary ever to be executed; that the exemption of his catholic ſubjects from the teſt, was due to thoſe of his own perſuaſion, from whoſe loyalty no danger could reſult to the throne; that the refuſal of a juſt and moderate relief, might provoke the king to inflict an unforeſeen and incurable wound; that without the violation of a ſingle law, the proteſtants might be diſplaced at once, by the abſolute prerogative with which he was inveſted, and the papiſts ſubſtituted in every department of the church and ſtate; and as the nation was bound by religion

[17] Woodrow, ii. 591. App. 158.

and

and duty, never to reſiſt the exerciſe of his divine right, that nothing but the obſequious merit of ſubmiſſion would remain [18]. BOOK IX. 1686.

As if awakened from a deep lethargy, the epiſcopal party diſcovered in theſe interminations, the full extent of the deſpotiſm which they had concurred to rear. Aſhamed of their former unguarded ſervility, they maintained that their obedience belonged to the king, but their conſcience to God; that in the teſt which James himſelf had propoſed, they had ſworn to admit of no alteration injurious, though remotely, to the proteſtant religion; and without a violation of their oath, could never conſent to the repeal of the penal laws, enacted as a ſafeguard for the eſtabliſhed church; that as theſe were never executed, but reſerved to deter an active, inſidious enemy, intent on its deſtruction, the ſudden outcries againſt their inhuman rigour, muſt appear peculiarly unreaſonable when capital puniſhments were multiplied againſt fanatics in every ſeſſion; that in theſe times, when proteſtants were perſecuted and reduced ſo low abroad, no ſecurity ſhould be remitted at home: that when papiſts remained unmoleſted, diſquieted by none, and deprived of nothing but a public eſtabliſhment, for what purpoſe did they demand the repeal, but to graſp at all offices of Oppoſed,

[18] It may ſeem ſtrange that the bigotry of men ſhould reſort for argument to the moſt pernicious and abſurd extremes to which their principles can be puſhed. L'Eſtrange, then employed in Edinburgh to write for the court, had a large ſhare in theſe arguments.

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emolument, authority, and truſt; to invade each department in the ſtate; to propagate their worſhip with impunity through the church; and in due time, when their ſtrength and deſigns were mature for execution, to ſupplant the proteſtant religion and re-eſtabliſh their own [19]?

And refuſed.

The introduction of popery was too obvious to ſucceed; but the parliament was ſtudiouſly protracted, and every allurement was offered, every intimidation was employed, to obtain its conſent. Roſs the primate, and Paterſon, biſhop of Edinburgh, endeavoured to procure the concurrence of the prelates, but an honourable oppoſition was maintained by Atkins, the venerable biſhop of Galloway; by Cairncroſs, archbiſhop of Glaſgow, and Bruce of Dunkeld, who were both diſplaced. Lord Pitmedin, the only judge who oppoſed the repeal, was removed from the bench, and Mackenzie, the king's advocate, was diſmiſſed for Dalrymple. Lockhart, the preſident, propoſed a limited toleration; the duke of Hamilton, a general indulgence to preſbyterians and papiſts; but the commiſſioners of ſhires and burrows, who adhered together, continued, without a leader among the nobility, firm and united in their oppoſition to the court. The indulgence of popiſh worſhip in private families, was the laſt attempt; but the commiſſioner, after a violent debate, deſpaired of a conceſſion which the king deſpiſed. The proteſtants, conſcious of their ſtrength, and

[19] Fount. Mem. Woodrow, ii. App. 118.

diſguſted

disgusted at a long session, threatened to impeach the bishop of Edinburgh, or to ratify the penal laws; and the parliament, which had granted nothing to ministers but gifts of forfeitures, was adjourned, and soon after dissolved by the king[20]. 1686. June 15.

Dispensing powers.

The application to parliament, according to the principles, and indeed the language of James, was a gracious offer to accept of its dutiful and submissive consent to his demands. His prerogative was fully equal, in his own opinion, to the repeal or suspension of the penal laws, which the estates had refused. The dispensing powers, which he prepared to assert in England, might be exercised in Scotland, where they were least apt to be disputed; but he used the precaution to purge the council of eleven members, the earls of Mar, Dumfries, Glencairn, and others, who had opposed his designs in parliament, and to substitute some popish lords in their stead. His pleasure was then signified to the obsequious board, that his protection should be extended to all catholics, against the severity of the laws which the judges and magistrates were forbidden to execute; that the free exercise of the popish religion should be indulged in private; and that his chapel should be fitted up, and provided with chaplains for its public celebration. The privy council assented to every demand which the parliament had refused; acquiesced in the pleasure of an absolute monarch, accountable to God alone for his conduct; but Sept. 14.

[20] Woodrow, ii. 594. App. 160. Fount. Mem.

BOOK IX. 1687.

the anſwer was the leſs acceptable, as the members heſitated to pronounce the prerogative a legal ſecurity for the indulgence which they prepared to grant. At the ſame time the royal burrows were deprived of their privileges, and the annual election of magiſtrates ſuppreſſed. The provoſt was named by the king; the magiſtrates and common council were appointed by the provoſt, and the election of members transferred to the crown. As the ſame meaſures were purſued in England, it appears that James was not indifferent to the ſanction of parliament, which he affected to deſpiſe [21].

Declaration of indulgence.

The indulgence to papiſts was proclaimed in terms of religious toleration, to intereſt the preſbyterians in the repeal of the penal laws and the teſt. The ſervile declarations of the parliament were faithfully tranſcribed; but the diſguiſe aſſumed by James was too thin to deceive. From the ſovereign authority, royal prerogative, and abſolute power, with which the king was inveſted, which his ſubjects were all bound, without reſervation, to obey, he conferred on moderate preſbyterians and quakers a limited toleration in private houſes; but diſpenſed indiſcriminately with the ſevere laws againſt Roman catholics, and repealed whatever prohibitions or penalties they might incur. He permitted the free exerciſe of their religion in chapels, and the enjoyment of all offices and benefices to be hereafter conferred. He releaſed

[21] Fount. Dec. i. 424. Woodrow, ii. 599.

them from every reſtriction but theſe: not to preach in the open fields; not to invade the proteſtant churches by force; nor to make public proceſſions through the principal ſtreets. He annulled the preceding oaths of ſupremacy, and the teſts; and ſubſtituted a new oath of allegiance, not only to renounce reſiſtance, but to maintain the full exerciſe of his abſolute power. And he declared, for the encouragement of the proteſtant clergy, "that he would uſe no force, nor invincible "neceſſity, againſt any man on account of his "perſuaſion, or the proteſtant religion:" neither would he deprive the preſent poſſeſſors of the lands appropriated formerly to the church [22]. Such an arbitrary declaration, approved by none but the obſequious council, was calculated to excite univerſal diſcontent. The diſpenſing powers of prerogative were converted into the repeal of old, and the creation of new laws, to which obedience was demanded, without reſervation of the religion or moral obligations of mankind. A new oath was impoſed, not as formerly of paſſive obedience, but for the active ſupport of this abſolute power. Even the promiſe to uſe no force, nor invincible neceſſity, on account of religion, nor to revoke the church lands from lay proprietors, intimated, not obſcurely, that a change of religion was intended and already begun, and implied a ſanguine expectation, that it would be ſoon complete [23].

[22] Woodrow, ii. 515. App. 186. Ralph, i. 943.

[23] Burnet, iii. 136.

BOOK IX.

1687. Its effects in Scotland.

The declaration was received by the epiſcopal party with ſuch undiſſembled rage, that their clergy were unable, either in diſcourſe or in the pulpits, to ſuppreſs their diſcontent. That abſolute power which they had laboured to create, was employed for their deſtruction. The government which they had ſought to monopolize, was open to the catholics, and almoſt equally acceſſible to the preſbyterians, their inveterate foes. Afraid to loſe the invidious acquiſitions which they had long poſſeſſed, they anticipated, and their apprehenſions already beheld the return and increaſe of the fanatics, whom they had ſubdued or diſperſed. Nor was the indulgence acceptable to the preſbyterians, who were neither releaſed from the laws, nor from a new oath to which they refuſed to ſubmit. A ſecond indulgence to diſpenſe with the oath, was accepted by none. A third indulgence was iſſued; and from the ſame ſupreme and abſolute authority, the laws againſt non-conformity, ſo ſevere and ſanguinary, were indiſcriminately repealed. The preſbyterians ſcrupled no longer to embrace the benefit of toleration; but in their addreſſes to the throne, no approbation was beſtowed on the repeal of the penal laws; no ſolicitation could procure their aſſent to that inſidious deſign. Their injuries were too recent and deep to be forgotten; nor could the moſt credulous believe that the author of their late perſecution was ſincere. They diſcerned and availed themſelves of the intention of James to diſunite the proteſtants; and their clergy, ſecretly devoted

devoted to the prince of Orange, returned from the continent to accept the indulgence, as a happy expedient to reſtore and reunite their ſect [24]. 1687.

Tranſactions in England.

The indulgence, a prelude to a ſimilar declaration in England, admoniſhed all parties there, of the deſpotiſm to be expected from the diſpenſing powers. Amidſt the advances which an infatuated monarch had already made, and the violence with which he impelled the nation, towards the Romiſh ſee, a fictitious trial had been brought, and by diſplacing ſome, or corrupting others, he procured from the twelve judges a confirmation of his prerogative to diſpenſe with the teſts. The alarm which an illegal judgment for the crown never fails to excite, was augmented by a declaration of indulgence, which, although more moderate than in Scotland, although it neither aſſerted the plenitude of abſolute power, nor of unreſerved obedience, expreſſed, in ſuſpending the penal laws, an earneſt wiſh that the nation were reconciled to the catholic church; and in addition to the free exerciſe of religion, ſuppreſſed indefinitely, every oath or teſt that might exclude a part of his ſubjects from the ſervice of their king. If, at firſt, the diſſenters, from the bitterneſs of their paſt ſufferings, were gratified with an unexpected, deluſive toleration, the diſcontent of the nation was confirmed by a ſeries of illegal attacks on the eſtabliſhed church. The court of high commiſſion was revived, under the auſpices of the infamous

[24] Burnet, iii. 138. Earl of Balcarras' Memoirs, p. 7. Woodrow, ii. 624.

BOOK IX. 1688.

Jefferies, and the biſhop of London was the firſt object of its unjuſt perſecution. The privileges of every corporation were invaded, to diſplace thoſe who adhered to the penal laws and the teſt. The two univerſities were ſucceſſively aſſailed, in order to introduce the Jeſuits, whoſe ſuperior reputation and induſtry might engroſs the education of youth, and the management of the richeſt foundations in Europe. Although a ſucceſsful reſiſtance was maintained by Cambridge, Oxford at leaſt was expected to adhere to the paſſive doctrines of its own decrees. But the fellows of Magdalen college refuſed to elect as their preſident, a papiſt whom the king recommended with a diſpenſation from their oaths; and on their perſiſting in the choice of another, were arbitrarily ejected by the eccleſiaſtical commiſſion, deprived of their fellowſhips, and declared incapable of eccleſiaſtical preferment. It is dangerous to violate the privileges of a corporation, much more of an univerſity, whoſe intereſt, ſupported by the union of its members, and eſpouſed with warmth by its former diſciples, is diffuſed through the church and the community at large. The fellows were diſpoſſeſſed of their freeholds, and the moſt unalienable property was no longer ſafe from the diſpenſing powers. The church was expoſed to the ſame uſurpation; its dignities were equally open, and its benefices would ſoon be transferred by the ſame diſpenſation, to Romiſh prieſts: but if the ſeats of learning, by the expulſion of its preſent members, were once filled with papiſts,

the

the national religion would be poiſoned in its ſource. From the ungrateful bigotry of James, the attachment of the church of England, the laſt ſupport of the Stewarts, was thus diſſolved, and in the hour of danger, its numerous adherents, who had prevented his excluſion, reſorted to thoſe principles of liberty and reſiſtance which they had loudly diſclaimed. 1688.

Trial of the ſeven biſhops. June 9.

The impriſonment and trial of the ſeven biſhops, were the laſt meaſures of infatuation that remained. When a ſecond indulgence was iſſued, and ordained to be read in church, the biſhops petitioned againſt an order calculated to reduce the clergy, on their compliance, to the contempt and reproach of becoming acceſſary to their own deſtruction; or to ſubject the diſobedient to the penalties recently inflicted by the high commiſſion. The whole nation was agitated at the impriſonment of the fathers of the church. Tears and groans, and the prayers of an immenſe concourſe of people, attended them to priſon. The ſame violent agitation was excited by their trial; but their acquittal reſounded through the capital, and was received with tumultuous joy by the whole kingdom, as a religious and even a national triumph over the ſovereign. From the public ferment, which was not likely to ſubſide, that dangerous criſis had at length arrived, to which deſpotiſm and bigotry conducted James. June 15.

Expectations from the prince of Orange.

The eyes and expectations of men had been long fixed on his nephew, the prince of Orange, whoſe marriage with his eldeſt daughter, the princeſs

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princeſs Mary, had opened a near proſpect of obtaining the crown. Religion, as well as intereſt, had connected William with the popular party, as alike adverſe to the ambition of France, and impatient for a proteſtant ſucceſſor to the Engliſh throne [25]. The diſcontented of both nations found a ſecure aſylum in Holland, and an honourable or ſecret reception at his court; and his connexion with every party was preſerved and enlarged by their correſpondence with their friends. His interpoſition had been early ſolicited [26], to preſerve the liberties and religion of England, but while his ſucceſſion continued open, he was averſe to a public interference, for which, as yet, there was no pretext. His ambaſſadors, Dykevelt and Zulieſtein, were employed ſucceſſively in the moſt ſecret and extenſive intrigues. They negociated with the church party, the diſſenters, the whigs; eſtabliſhed a correſpendence with the principal nobility, and returned with the warmeſt aſſurances of their attachment and ſupport. A pretext for his interference was ſoon obtained. Stewart, whom James was induced to pardon and recall, was employed in a correſpondence with the penſionary Fagel, to ſolicit the aſſent of the princeſs and prince of Orange, to the repeal of the penal laws and the teſt. The penſionary's anſwer was diſperſed through England, that from the principles of univerſal toleration, they would concur in the removal of the penal laws, but could never conſent

[25] D'Avaux, 1681. Macpherſon's Orig. Pap. i. 116.
[26] Burnet, iii. 119.

to

to the repeal of the teſts, the only ſecure bulwark which the nation had provided for the proteſtant faith [27]. It was received as a public declaration, confirming their private aſſurances of toleration to the diſſenters, and protection to the eſtabliſhed church; and the proteſtants, animated by this diſcovery of their ſentiments, were inſpired with an unbounded confidence in the prince.

An extenſive confederacy in England.

While the chance of a proteſtant ſucceſſion remained, the prince was averſe to a premature rupture, and the nation was deſirous to await the natural courſe of events. But the birth of a ſon, during the ferment excited by the impriſonment of the biſhops, conſoled James with the proſpect of a catholic heir, and accelerated every preparation for his ruin. The moſt injurious ſurmiſes had been entertained of the queen's conception; and from ſome myſterious circumſtances, the report of a ſuppoſititious child, however improbable at preſent, was eagerly propagated and implicitly believed. From the proſpect of an hereditary, religious deſpotiſm, the invitation of the prince of Orange was no longer deferred. The whigs, who had urged the excluſion, were indifferent to the hereditary line of ſucceſſion, from which the

[27] James, and his hiſtorian Macpherſon, would perſuade us that nothing more than a toleration was intended for papiſts. Why then did he not acquieſce in a repeal of the penal laws, to which the prince would have aſſented? The repeal of the teſts, in which he was inflexible, could have no object but to throw the government into the hands of the papiſts, to effect a change of religion.

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tories, who had no view beyond a parliament, were unwilling to deviate. But as every political and religious party depoſited their animoſities during the common danger, a ſecret conſpiracy was formed by their coalition, the moſt extenſive perhaps, and the beſt concerted which hiſtory has preſerved. Many noblemen and gentlemen of diſtinction, reſorted to Holland, whither immenſe ſums were tranſmitted to the prince [28]; but the greater number remained diſperſed through England, to diffuſe the conſpiracy; and in conſequence of the league of Augſburgh, to circumſcribe the aggrandizement of France, almoſt all the continental princes were concerned in its ſucceſs. The ſecret, although entruſted to many thouſands [29], tranſpired only from the preparations of the prince of Orange, which were far advanced before James was apprized of his hoſtile deſigns. Although his declaration announced that he was invited over by divers of the temporal and ſpiritual lords, the king was unable to diſcover the lines of conſpiracy with which he was ſurrounded at home. The declaration iſſued on the embarkation of the prince, enumerated the grievances of the three kingdoms; the ſuſpicious birth of the prince of Wales, and the neceſſity of interpoſing to eſtabliſh the religion and liberties of the people on a ſecure foundation [30]. Terrified at the approaching invaſion

[28] D'Avaux. [29] Burnet, iii. 217. Dalrymple's Mem.

[30] The declaration for England was drawn by Fagel, tranſlated and abridged by Burnet. Tradition has aſcribed it to

vaſion from abroad, and at the contempt and hatred which he had incurred at home, the king endeavoured, when too late, to retract his former illegal meaſures; but when the Dutch fleet was diſperſed, and driven back by a ſtorm to Holland, his confidence in the protection of heaven revived. The expedition was renewed in a few days. While the Engliſh fleet was confined to its ſtation, off Harwich, the prince, with ſix hundred tranſports and ſhips of war, paſſed with an eaſt wind through the Straits of Dover, in the preſence of wondering multitudes, who gazed at the ſublime ſpectacle from either coaſt[31]; and diſembarking on the fifth of November at Torbay, afforded a ſignal proof to the nation, that its navy will not always prevent an invaſion, nor a ſtanding army enſure ſtability to the throne.

Prince lands in England.

Scotland, to which we now return, had been timely appriſed of the intended invaſion. The army had been ſummoned to England, and replaced by the militia and undiſciplined highlanders, with which the privy council, whoſe authority depended on its preſence, reluctantly complied. The inclinations of all parties were examined. Some of the epiſcopal clergy had ceaſed to pray for the prince of Wales; but the loyalty of their party was ſoon

Confederacy and Cabals in Scotland.

to Stewart, to whom, according to Dalrymple, Dykevelt applied in London. Dykevelt was there in March and May 1687, but the declaration was evidently not drawn till autumn 1688. Inſtead of being penned, it was probably anſwered in a ſeries of animadverſions by Stewart. Ralph, i. 1033. So uncertain is tradition.

[31] Boyer's Life of William.

reſtored,

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restored, and the bishops concurred in a pious and convivial address to James, as the darling of heaven, that God might give him the hearts of his subjects and the necks of his enemies[32]. But the presbyterians refused, in the most explicit terms, to support the government. Their clergy who had returned from Holland, and the exiles who accompanied the prince of Orange, had already prepared them to expect his arrival; and although it is uncertain how far the confederacy extended through Scotland, some of the chief nobility participated in his designs. Argyle was invited and escaped to Holland; lord Cardross returned from America to join the prince. Drumlanrig, the duke of Queensberry's son, introduced his countrymen into the confederacy in England, and the earls of Anandale, Glencairn, Crawford, Dundonald, Tarras, lords Ross and Bargenny, and many gentlemen of the first rank, were engaged in Scotland. No sooner had the army passed the borders, than they resorted from all parts of the country to Edinburgh; and the privy council, whose authority sunk in proportion to its former violence, was forced to connive at their secret cabals. The Cameronians were dispersed in small parties along the borders; and as few dispatches escaped their vigilance, the privy council was deprived of all intelligence or instructions from court. When the arrival of the prince of Orange was discovered, their perplexity was increased by

[32] Skinner, ii. 514.

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the moſt contradictory reports. His declaration for Scotland was received with avidity, and proclaimed at Irvine, Air, and Glaſgow, while the authority of the privy council was almoſt diſſolved. As their confidential meſſenger had carried their diſpatches to the prince's camp, a committee was appointed to repair to court, but before its arrival there, the revolution was accompliſhed in both kingdoms [33].

Progreſs of the revolution in England.

For a few days the prince of Orange was joined by none; but when the firſt example was given, the extent of the confederacy was announced by a rapid and univerſal defection from the king. The gentlemen of Somerſet and Devonſhire, haſtened to the prince, who had advanced to Exeter, and entered eagerly into an aſſociation for his ſupport. The earl of Bath admitted his fleet into Plymouth. The earl of Devonſhire, and the gentlemen of Derby and Nottingham, declared for the prince and a free parliament. Lord Delamer took arms in Cheſhire; and in the northern counties, lord Danby and his aſſociates ſurpriſed Newcaſtle, York, and Hull. The ſame ſpirit of defection had extended to the army. Cornbury, the earl of Clarendon's ſon [34], was among the firſt to deſert; but when a petition for a free parliament, ſigned by nineteen peers and prelates, was evaded, he was followed by Churchill, Kirk,

[33] Balcarras' Mem.

[34] Oh God! ſays Clarendon in his diary, that my ſon ſhould be a rebel! A few days afterwards he follows himſelf. Clar. Diary, 15 Nov.

Trelauny,

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Trelauny, Drumlanrig, the dukes of Ormond and Grafton, prince George of Denmark, the king's ſon-in-law, while a greater number of inferior officers refuſed to fight againſt the prince of Orange. The king, who had arrived at Saliſbury to give battle to the prince, was overwhelmed with misfortunes. All England appeared in commotion. The capital was full of diſcontent; the very fleet declared for a free parliament; and ſurrounded, as he believed, by a diſaffected army, he knew not in whom to confide. He withdrew his army, and retired to London; but when informed of his daughter the princeſs Anne's eſcape, "God help "me," cried the unhappy monarch, with tears of anguiſh, "my own children have deſerted me." Every new diſaſter increaſed his perturbation. He ſummoned a council of peers; iſſued writs for a new parliament; diſpatched commiſſioners to propoſe a treaty; but as the prince, amidſt the acclamations of all ranks, continued to advance, he was bereft of all fortitude and ſtrength of mind. His conduct was irreſolute, puſillanimous, abſurd; and unable to ſubmit to neceſſity, yet incapable of a ſingle effort of generous deſpair, he ſunk, without dignity, beneath his misfortunes. He conſulted only with his queen, affrighted at a parliamentary impeachment, and with his prieſts, who choſe to exhibit their proſelyte as an exile to Europe, rather than abandon him on a throne. His father's execution was ſtill preſent to his deſponding thoughts; and he liſtened credulouſly to every ſuggeſtion of perſonal danger, without reflecting either

either on the difference of the characters or of the times. His terrors were flattered as the result of political wisdom, and he was easily persuaded that his departure would produce a scene of anarchy, to accelerate the recovery of absolute power. The queen and his son were conveyed secretly to France. His own departure was determined by the prince of Orange's demands, which, however imperious, were requisite for the settlement and security of the nation, and if accepted by James, might have still preserved his descendants on the throne. His hopes were absurdly placed on the public confusion, to increase which, he recalled and burnt the writs for a new parliament; directed Feversham to disband the army; threw the great seal into the Thames; and with a single attendant, embarked in a small vessel at midnight for France. When his flight was discovered next day, an event beyond the expectation of his enemies, completed the consternation and despair of his friends. The populace began to plunder the chapels and houses of papists; but their excesses were soon restrained by the peers and prelates residing in London, who assembled in council to resume the government, and invited the prince of Orange to provide for the safety of the state. When the king was intercepted at Feversham, and conducted back to Whitehall, the returning affections of the city might have convinced him that the nation was not yet lost. In this delicate extremity he attempted to resume his authority by an indiscreet pro-

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clamation againſt the late exceſſes[35]; but was required at midnight to remove from the palace, and permitted to return to Rocheſter, with an obvious deſign to connive at his eſcape. He was convinced himſelf that his departure would prove acceptable to the prince; and the few friends who adhered in adverſity to his fortunes, urged him to remain. But the deſpair of life returned. An expreſſion of his father's was remembered; that ſhort is the diſtance between the priſon and the grave of kings; and by the deſertion of his kingdom, which he was deſtined never to reviſit, he left his rival an unbloody victory, and a vacant throne[36].

James deſerts the kingdom. Dec. 23.

Revolution in Scotland.

The revolution was accompliſhed in Scotland with the ſame eaſe and ſucceſs. Athol, lord privy ſeal and preſident of the council, was married to the earl of Derby's daughter, allied to the houſe of Orange by her mother, a deſcendant of the family of Tremouille in France; and his perſonal animoſity to Perth the chancellor, inſtigated by lord Tarbet and ſir John Dalrymple, contributed to ſtrengthen his connection with the prince. When the deſertion and retreat of the king's forces were reported, Tarbet artfully propoſed in council to diſband the militia as neither neceſſary nor legal to be kept embodied in peace; and the weak and timid chancellor conſented, fearful of offence, and unconſcious of their deſigns. But the forces were no ſooner reduced to a few troops for the collection

[35] Echard. Ralph. [36] Macpherſon's Orig. Pap. i. 160.

of

of the revenue, than Athol and his friends repreſented that it was unſafe to ſit longer in council with the chancellor and other papiſts, incapacitated by law. Deſtitute of military ſupport, the chancellor was eaſily intimidated, or perſuaded by his friends to abandon a city, where the populace had already riſen and proclaimed a reward for his head [37]. When the king's forces were partly diſbanded, a panic terror had ſpread through England in a ſingle night, that the Iriſh ſoldiers had begun an indiſcriminate maſſacre of proteſtants; and as the beacons, drums, and bells, communicated the imaginary approach of danger, the people fancied that they heard the diſtant groans of the dying, and beheld the ſmoke of the diſtant villages conſumed with flames. From the ſame reports diffuſed through Scotland, it appears that a political alarm was widely propagated, to unite and exaſperate the proteſtants againſt the ſtate. While the drums beat to arms, and the inhabitants iſſued, in conſternation, from their houſes, a report was ſpread that the papiſts had entered Edinburgh, which would be burnt that night. The people ruſhed to the palace, but were repulſed, and numbers were killed and wounded, by the fire of a company of ſoldiers, whom the chancellor left for its defence. The principal citizens, and the leading preſbyterians who had repaired to town, joined the populace whom they had incited to the attack. A warrant was procured from Athol and his friends, intimated by heralds, for the ſurrender

Dec. 10.

[37] Balcarras's Mem.

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of the palace; and with the assistance of the train-bands, they broke in and overpowered the military, some of whom were massacred by the popular rage and revenge. The printing-house, the library, chapel, and schools of the Jesuits, were demolished or burnt. The abbey church, furnished for the new order of the thistle, was defaced; its ornaments and images were consigned to the flames; and the chancellor's lodgings were plundered by the populace, who continued for some days to search or pillage the houses of papists [38]. A similar report was productive of the same disorders in the west. On a sudden rumour, universally credited, that the Irish had landed, and after burning Kircudbright, advanced to Hamilton, six thousand presbyterians appeared in arms. Disappointed of a foreign enemy, they dispersed in small parties, to disarm and dislodge their domestic foes. On Christmas day, the episcopal clergy were assailed and dragged from their pulpits or altars; conducted through their parishes in mock procession; stript of their gowns, and expelled by force, or permitted peaceably to depart, on a solemn assurance never to return. Two hundred clergymen of the episcopal persuasion, were thus ejected; and as the same violence prevailed for some weeks through the west of Scotland, the revolution was almost equally complete in the church and in the state [39].

Clergy expelled.

[38] Balcarras's Mem. Woodrow, ii. 649. Hist. Revol. in Scotland, p. 24.

[39] Acts of the United Societies in the West; Woodrow's MSS. Skinner, ii. 517. Somers's Tracts, vi. 133.

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The conduct of the preſbyterians was ſtrictly regulated by the expulſion of their own clergy, after the reſtoration. But when we ſurvey the perſecutions which they endured, and the blood with which the epiſcopal church was cemented, inſtead of blaming their ſeverity, we are rather ſurpriſed and pleaſed that thoſe fierce Cameronians, ſtigmatized and purſued by the late government as aſſaſſins, abſtained from a maſſacre of the eſtabliſhed clergy.

Reſort of all parties to London.

When the preſbyterians obtained poſſeſſion of the capital, the adminiſtration devolved on the marquis of Athol and his friends. The duke of Gordon, with a mutinous garriſon, retained the caſtle for James. But the declaration of the prince of Orange was univerſally received; and Perth, intercepted in embarking for France, was committed cloſe priſoner to Stirling caſtle. An acknowledgment and offer of ſervice to the prince, for the deliverance of the nation, was propoſed in council; but from the oppoſition of the epiſcopal party, a ſhort and general addreſs was the utmoſt that could be obtained. But a confluence of all ranks and of every perſuaſion, reſorted to London; the nobility, to demonſtrate their reſpect for the prince, or to receive ſecret inſtructions from the late king; the preſbyterians, to embrace and conſult their friends, who had returned from exile, on the meaſures neceſſary to be concerted for their ſucceſs; the epiſcopal party, to prevent the ruin of their church, and preſerve ſome ſhare of their invidious power. They were followed by Athol: and the prelates and ſubordinate officers of

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ſtate, who remained in council, acquired the adminiſtration, if on the diſſolution of government it can deſerve that name [40].

Their addreſs to the prince.

At the requeſt of the peers, and ſuch of the commons as ſat in parliament under Charles II. the prince had ſummoned a convention in England; and aſſumed the intermediate direction of affairs. Whatever form of government the convention might eſtabliſh, little ſtability could be expected unleſs the ſame, or a ſimilar government were adopted in Scotland; the ſituation of which, at the preſent conjuncture, was peculiarly important. The adherents of James were numerous. If his authority were ſtill recognized in Scotland, the vicinity and oppoſition of a warlike nation would impede or endanger the new ſettlement; and his preſence there might invite the Engliſh to return to their recent allegiance to the Stewarts. But in this perplexing ſituation, it reflects the pureſt luſtre on William, that he recurred to no expedient except the free choice and conſent of the people. He aſſembled the nobility and gentry attending in London, and repreſenting conciſely the object of his expedition, requeſted their advice on the moſt proper expedient to reſtore and ſecure their liberties, religion, and laws. The duke of Hamilton was elected preſident; a boiſterous, yet temporizing ſtateſman, who had maintained an open, or, more frequently, a ſecret oppoſition during the preceding reigns; and

[40] Balcarras's Mem. Hiſt. Revol.

according

according to the policy aſcribed to the Scottiſh nobility, his ſon, lord Arran, accompanied James in his barge to Rocheſter, while the father attended the prince at St. James's. From the diſorders and mutinous ſituation of Scotland, he intimated that the government ſhould be lodged with the prince, till a convention were aſſembled; but an unexpected motion was made by Arran, to invite the king to return and call a parliament, as the beſt expedient to ſecure their liberties and the proteſtant faith. Many of the king's adherents were preſent; Balcarras, treaſurer, Claverhouſe, whom he had created viſcount Dundee; but the motion, reprobated as derogatory to the prince's honour, was ſupported by none. An addreſs was ſigned and preſented by thirty noblemen and eighty gentlemen, requeſting the prince of Orange to aſſume the government, and ſummon a convention of eſtates; and the irregular application of a few noblemen and gentlemen beyond the realm, was juſtified by the unreſerved obedience with which his authority was received [41]. The convention of eſtates was appointed to meet, at their requeſt, on the fourteenth of March, that the ſettlement of England might be firſt completed; and the convention of that kingdom declared that James had abdicated the government, and proceeded to place the prince and princeſs of Orange, as joint ſovereigns, on the vacant throne.

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Jan. 10.

In England the revolution was accompliſhed by a coalition of whig and tory; but in Scotland,

Convention of eſtates.

[41] Balcarras's Mem. Hiſt. Revol. 40. Balcarras's State Tracts.

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where the ſame diſtinctions prevailed under different names, the epiſcopal party, deprived of their former deſpotical power, perſevered in their attachment to the exiled king. Whether to attend or decline an illegal convention, which it was their intereſt to embarraſs, perplexed and divided their meaſures, till ſecret inſtructions were received from James to ſecure an aſcendancy in the convention of eſtates. Had the convention been returned like the late parliament, or choſen as the boroughs were ſince modelled, their influence muſt have predominated in every election, and the preſbyterians, even in counties, would have been excluded by the teſt. But Dalrymple, the late preſident, had artfully provided in the addreſs to William, that none but papiſts ſhould be excluded from their legal vote, and that the election ſhould be conducted in boroughs by a poll of freemen, from which it is to be regretted that they have ſince departed. The elections were transferred to the preſbyterians, whoſe active zeal was ſupported by the people; but their adverſaries relied on a majority of the nobility and the whole biſhops; the caſtle of Edinburgh remained in their hands, to diſlodge the convention; and the viſcount Dundee introduced into the town a troop of threeſcore horſe, who had deſerted and returned from his regiment in England. The Cameronians were ſummoned to town to counteract theſe deſigns; and the convention aſſumed the threatening aſpect of a Poliſh diet [42].

[42] Dalcarras. General Mackay's Memoirs, MS. Adv. Lib.

1689. March 14. Presbyterians prevail.

The choice of a president was the first question decisive of their strength. The duke of Hamilton was supported by the presbyterians, the marquis of Athol by the episcopal party, with whom, disappointed in his expectations from William, he had renewed his intrigues. Parties were so nearly balanced, that the former was chosen by a majority of fifteen [43]; but the success was decisive, and on the next question the whigs acquired an accession of twenty votes. A committee for disputed elections was appointed, to increase the majority by their partial reports; but the demand of the bishops to name a proportion of the committee from the spiritual, as a distinct estate from the temporal peers, was disregarded without a vote; a sure presage of their approaching downfall. The security of the convention was next consulted. The duke of Gordon, who consented, but, by the influence of Dundee and Balcarras, declined next day to resign the castle, was proclaimed a traitor to the estates. His refusal to fire on the city, disappointed every plan to disperse the convention. A pretext was therefore sought to withdraw to Stirling, and to hold a separate convention, by a commission from James. On the report of a design to assassinate Dundee and sir George Mackenzie [44], the removal of all strangers from town was

[43] Minutes of Convention, MS. Ibid.

[44] Historians have supposed that Dundee was seriously afraid of assassination, and that the parliament refused to listen to the evidence which he offered. But it appears that his only witness was examined, who declared that two men had threatened, in his

BOOK IX. 1689.

was required; and the refuſal of this demand, before the caſtle had ſurrendered, was the ſignal to retire. But the fears of the marquis of Athol recurred, while Dundee, indignant at his friends and enemies, was impatient of delay. He iſſued with his horſe from the city, and, on a ſignal from the caſtle, halted to confer with the duke at the foot of the walls. The ſpectators were miſtaken for his adherents, and when reported to the convention that his numbers were ſtill increaſing, the reſult apprehended from this remarkable interview, was, that the caſtle would begin to fire during an attack upon the town. But the preſident exclaimed, that there was danger alſo within the convention: the doors were ſecured, and the keys produced on the table; and while the drums beat to arms, the Cameronians emerged from the caverns and cellars, where they had lain concealed. The epiſcopal party encloſed in the convention, and ſurrounded without by enemies, were apprehenſive of a maſſacre, till the tumult ſubſided; and when releaſed on Dundee's departure for Stirling, they yielded to the terrors which their adverſaries ſought to inſpire. The marquis of Athol was intimidated; the earl of Mar was arreſted on the road; and the

March 18. Dundee retires to Stirling.

his houſe, to uſe Dundee and Mackenzie as they had been uſed themſelves. (Minutes of Convention, MS.) As the men were not named, and Mackenzie continued to attend the convention, it is obvious that Dundee affected an alarm. "That he went wherever the ſpirit of Montroſe ſhould direct "him," is a modern fiction, exceeded only by another, that his heroiſm was caught from the recitation of Oſſian's Poems! Dalrymple's Memoirs, ii. 305. and Parl. ii. 73.

reſt,

reſt, diſappointed of a refuge in his fortreſs, abandoned all thoughts of a convention at Stirling [45].

Next day the militia was ordained to be levied and placed in ſecure hands. A regiment of eight hundred Cameronians was raiſed within two hours; three hundred highlanders were armed by Argyle, who had aſſumed his ſeat before the attainder of his family was repealed. The convention was at length ſecured by the arrival of three regiments of Scots, in the Dutch ſervice, who had attended William to England, under the command of Mackay [46]. The ſuperior policy of the preſbyterians in theſe tranſactions, is no leſs conſpicuous than the miſconduct of their opponents, whoſe meaſures, at all times violent, betrayed the deſpair and folly of a diſheartened faction, deprived of power. The fire of the caſtle could neither expel the convention from town [47], nor a ſeparate convention at Stirling interrupt its debates. But the preſence of a numerous oppoſition would embarraſs its proceedings; and a forcible appeal to the dormant loyalty and paſſions of men, might obſtruct the ſettlement of the crown in a different line. It was the policy of the preſbyterians to procure unanimity, and prevent an immediate recourſe to arms, which the impriſonment or

Adherents of James abandon the convention.

[45] Balcarras. Minutes of Convention, MS.

[46] Id. Mackay's Memoirs, MS.

[47] See in Robertſon's Hiſt. a parliament held by Lennox in the Canongate, notwithſtanding Kirkcaldy's endeavours from the caſtle to diſlodge the members, ii. 20.

expulſion

BOOK IX. 1689.

expulsion of their adversaries could not fail to produce. But the terror and threats of imprisonment were more efficacious; and when the convention adjourned, after Dundee's retreat, some returned to their homes in despair, others deserted to the prevailing party; and when summoned next day to attend their duty, few remained to incur the obloquy and danger of an unavailing opposition.

Proceedings of the convention,

When relieved from opposition, the measures of the convention were vigorous, and almost unanimous. Two letters had been presented, from William and from James; but the first was preferred. Before the other was permitted to be read, a resolution was adopted, and signed even by the adherents of James, that nothing contained therein should annul or impede the declarations of the estates. But the arrogance and bigotry of the letter was so unsuitable to his situation; the name of Melfort, with which it was countersigned, appeared so odious to the convention, that his friends had forborne to propose an answer, and his messenger was dismissed from prison with silent contempt. The convention returned a grateful answer to William, acknowledging their deliverance, and approving the address on which he assumed the temporary administration of the state. But the presbyterians wisely evaded his proposal of an union with England, as a complicated measure productive of dangerous animosities, which might disappoint their hopes of an ecclesiastical establishment; and the convention proceeded to a plan,

March 19.

March 27.

prepared

prepared by a committee, for the ſettlement of the crown [48].

1689. Contraſted with thoſe of the Engliſh convention.

The deliberations had degenerated in the Engliſh convention into verbal diſputes between the two houſes, whether the late king had deſerted or abdicated the vacant throne. In Scotland there was neither the ſame neceſſity to gratify the tories, nor the ſame propriety in declaring that the king had abdicated the government, by the deſertion of a country wherein he did not reſide. But the oppoſite genius of the two nations was never more conſpicuous than in the reſult of their deliberations on that important event. From the cloſe of the fourteenth century, when the Plantagenets were dethroned, England had never beheld, during the various dynaſties of Lancaſter, York, Tudor, and Stewart, above three generations of the ſame family ſucceeding, without interruption, to the throne. But a nation averſe to innovation, was ſtill tenacious of hereditary right. The convention, to deviate the leaſt from an order of ſucceſſion ſo frequently inverted, declared that James II. having endeavoured to ſubvert the conſtitution, by breaking the original contract between the king and people, and having violated the fundamental laws, and withdrawn from the kingdom, had *abdicated* the government, and that the throne was thereby vacant. A voluntary deſertion and a virtual renunciation, both of the government and the realm, were meant to be implied

[48] Balcarras.

in

BOOK IX. 1689.

in this ambiguous expreſſion, in order to open the ſucceſſion to the next proteſtant heir. But the abdication of government was irreconcileable with the premiſes, as it was neither applicable to his abuſe of power, nor to his departure from the kingdom, which was certainly more from conſtraint than choice. The Scots had acknowledged eleven ſucceſſive generations of the houſe of Stewart; and their loyalty was cheriſhed by the belief of a long and fabulous race of an hundred and eleven kings. Inſtead of attempting, however, by an ambiguous fiction, to reconcile hereditary right with a change in the ſucceſſion, they placed the vacancy of the throne on its true baſis, the religion and mal-adminiſtration of James. The ſame oppreſſion which the Engliſh had apprehended while yet diſtant, they had long endured. Their loyal attachment to the Stewarts, which ſurvived the civil wars, had been effaced by their ſufferings ſince the reſtoration. From the ſame national ardor which rendered the reformation ſo complete, or deſtructive in Scotland, they propoſed a bold and deciſive vote, that James had forfeited the crown by his miſconduct and crimes. A feeble oppoſition was maintained by his few friends who remained in the convention. Paterſon, archbiſhop of Glaſgow, and ſir George Mackenzie, aſſerted the exploded doctrine of divine right, or maintained with more plauſibility, that every illegal meaſure of his government was vindicated by the declaration of the late parliament, that he was an abſolute monarch, entitled to unreſerved obedience

and

and accountable to none. Sir James Montgomery, and sir John Dalrymple, who conducted the debate on the oppoſite ſide, averred that the parliament was neither competent to grant, nor the king to acquire, an abſolute power, irreconcilable with the reciprocal obligations due to the people [49]. The illegal meaſures of the reign were reduced to fifteen articles, on the recapitulation of which the eſtates declared "that James VII. being a pro-"feſſed papiſt, did aſſume the royal power, and "acted as king, without ever taking the oath re-"quired by law; and had, by the advice of evil "and wicked counſellors, invaded the fundamental "conſtitution of the kingdom, and altered it from "a legal, limited monarchy to an arbitrary, "deſpotic power; and hath exerted the ſame to "the ſubverſion of the proteſtant religion, and "the violation of the laws and liberties of the "kingdom; whereby he hath *forfaulted* his right "to the crown, and the throne has become "vacant." According to the legal import of the vote, the whole iſſue of James was excluded from the crown; but the forfeiture, as explained by a ſubſequent reſolution, was limited to the perſons and the future children of the late king, and his pretended ſon [50].

Forfeiture of the crown.

When the throne was declared vacant, the convention reſolved that the crown ſhould be

Settlement of the crown.

[49] Balcarras. Life of William, iii. 51. Vindication of the Convention. State Tracts, temp. Gul.

[50] Minutes of Convention, MS.

BOOK IX.

1689. And declaration of rights.

tendered to William and Mary, as joint ſovereigns; and on the failure of their iſſue, ſettled on the princeſs Anne and her heirs. But the fifteen articles of miſconduct in James, were firſt digeſted into an inſtrument of government, and a declaration and claim of rights. More comprehenſive than the Engliſh declaration, as it extended almoſt to every abuſe of the two preceding reigns, it aſſerted that no papiſt, according to the laws of the kingdom, could aſcend the throne; that all proclamations aſſuming an abſolute power to ſuſpend or diſpenſe with the laws, were illegal; that the meaſures employed to eſtabliſh popery, that the impoſing of bonds or oaths, and exacting money without authority of parliament, were contrary to law; that it was illegal to inveſt the officers of the army with judicial powers; to inflict death without trial, jury, or record; to exact exorbitant fines or bail; to impriſon without expreſſing the reaſon, or to delay the trial; to forfeit perſons upon ſtretches of old and obſolete laws, upon frivolous pretexts or defective proofs, eſpecially the late earl of Argyle to the reproach of juſtice; to nominate the magiſtrates and common council of boroughs; to dictate the proceedings of courts of juſtice; to employ torture without evidence in ordinary crimes, or to oblige the ſubjects to accuſe or to ſwear againſt themſelves; to garriſon private houſes, and to introduce an hoſtile army into the country, to live at free quarters in profound peace. The two memorable opinions of the fifteen judges were declared illegal; that it was treaſon to conceal

ceal the demand of money for traitors, and that whoever refuſed to diſcover their private ſentiments reſpecting the treaſonable doctrines or actions of others, were guilty of treaſon. Prelacy and precedence in eccleſiaſtical office, as repugnant, ever ſince the reformation, to the genius of a nation reformed by preſbyters, were declared an inſupportable grievance which ought to be aboliſhed. The rights of appeal to parliament, and of petition to the throne, were unconditionally aſſerted; frequent parliaments were demanded, and theſe articles the eſtates aſſerted and challenged as their undoubted rights, againſt which no declaration nor precedent ſhould operate to the prejudice of the people; but whatever forfeitures or puniſhments were otherwiſe inflicted, ſhould be reviſed and redreſſed. A ſeparate liſt of grievances was framed, to be redreſſed in parliament; the moſt remarkable of which were the committee of articles, the act of ſupremacy, the manner and meaſure of the popular repreſentation; and in the removal of every injury which the conſtitution had ſuſtained, the Scots were apparently deſirous that nothing ſhould be left unadjuſted between the people and the king.

New ſovereigns proclaimed. April 11.

The new ſovereigns were crowned in London, and proclaimed in Scotland on the ſame day. Argyle, Montgomery, and ſir John Dalrymple, were deputed from the three temporal eſtates to preſent the crown, and adminiſter the oath to the king and queen. The inſtrument of government and the grievances were firſt read; to which

BOOK IX.

1689. May 11.

an addreſs, to turn the convention into a parliament, was ſubjoined. When the coronation oath was adminiſtered to William, at the obligation to root out heretics, he pauſed and declared that he did not mean to become a perſecutor; and, on the aſſurance of the commiſſioners that ſuch was not its import, proteſted that in that ſenſe only he received the oath [51]. The inſidious toleration attempted by James had excited univerſal diſguſt; but the unaffected ſcruples of William were honoured and approved.

Excluſion of the Stewarts neceſſary.

Thus the hereditary reign of the Stewarts, in the male line, was concluded eighty-ſix years after their departure from Scotland. Their acceſſion to the Engliſh crown was the era of their grandeur; an event that contributed neither to their felicity, nor perhaps to the improvement of their native, hereditary kingdom. The contracted abilities of James VI. were better adapted to the government of a ſmall ſtate, than of divided kingdoms; but the proſpect of his elevation to the throne of England, inſpired a weak mind with ideas of abſolute power unknown to his anceſtors, to which we muſt primarily attribute the execution of his ſon, the expulſion of his grandſon, and the excluſion of his male poſterity for ever from the crown. Had his reign been confined to Scotland, the preſence of the ſovereign, and the natural progreſs of ſociety, were ſufficient perhaps to introduce ſubordination and the arts of peace; nor with a limited authority would he have ventured, ſo fatally for his

[51] Life of William. Hiſt. Rev. in Scotland.

poſterity,

poſterity, to invade the eſtabliſhed religion and liberties of the nation. If the Stewarts had continued to reign in Scotland alone, the attachment of the nation to an ancient family, without a rival, and without a competitor, might have ſtill preſerved their deſcendants on the throne. But the loyalty of the nation was diminiſhed by their abſence. The immenſe influence acquired at the acceſſion, was employed to cruſh the independence of the eſtates; and although they recovered and enlarged their authority during the civil wars, a jealous and cruel tyranny was introduced at the reſtoration; aggravated by all the vexatious inſolence of delegated power. To England the revolution was a glorious event, uſeful rather than abſolutely neceſſary; for if the late king had remained, its religion and liberties, under a regency, might have been ſecured by proper limitations on the throne. The loyalty of the Engliſh was gratified, while the adherents of James were inſenſibly mollified, by the acceſſion of his daughters, and the nation was gradually reconciled and prepared to adopt a more complete change in the line of ſucceſſion; but to this circumſtance muſt be aſcribed the apparent defects in its declaration of rights, which neither aſſerts the choice that was actually made of a new race, nor ſecures the frequency and independence of parliament againſt the influence of the crown. But the revolution was abſolutely neceſſary to reſtore tranquillity to Scotland, and to revive the confidence of the people in government; without which the king unavoidably degenerates into a tyrant,

BOOK IX. 1689.

and his ſubjects vibrate alternately between rebels and ſlaves. So various and enormous was the tyranny which I have attempted, imperfectly, to delineate, that the people never could have diſmiſſed their ſuſpicion and reſentment, nor the government the terrors which it felt, and ſought to inſpire; the uniform principle of deſpotiſm, for which we may truly affirm that there was no cure but the expulſion of the Stewarts.

THE

HISTORY

OF

SCOTLAND.

BOOK X.

Convention turned into a Parliament.—Insurrection.—Dundee's Victory and Death. — Montgomery's Plots.—Redress of grievances, and Presbytery restored.—Massacre of Glencoe.—Settlement of Darien.—National distress and despair.—Death of James.—Death and character of William.

BOOK X.

1689. New administration.

IT was difficult, in the choice of an administration, to gratify the unreasonable expectations of claimants, and to provide for the security of the new reign. The episcopal party had few pretensions: from their refusal of the oaths to government, they soon acquired the appellation of nonjurors; and of Jacobites, from their stedfast attachment to James. The presbyterians who began the revolution, assumed superior merit with the king; but the exiles who returned from Holland, enjoyed a

BOOK X. 1689.

larger ſhare of his confidence and eſteem. Lord Melville, with inferior talents, was appointed ſole ſecretary, in preference to Montgomery, whoſe mind was eſtranged from the new government by diſguſt and neglect. The duke of Hamilton was appointed high commiſſioner, the earl of Crawford preſident of parliament; but as the chief offices of ſtate, the treaſury and the ſeals, were reſerved to be put in commiſſion, the former was diſappointed of the diſtribution of places among his children and friends. By a choice leſs fortunate, as it was productive of general diſcontent, Dalrymple created viſcount Stair, was reſtored to the preſidency of the court of ſeſſion, on the aſſaſſination of Lockhart, by one who conceived himſelf injured by an unjuſt award. Sir John Dalrymple, his ſon, was appointed king's advocate; they were both preſbyterians, yet unacceptable and odious to that party from their compliance with the times. Their abilities were confeſſedly great and tranſcendent; but the father had abetted the iniquitous adminiſtration of Lauderdale; the ſon, as king's advocate in the late reign, had revived the perſecutions for the inſurrection at Bothwell, and from the unguarded confidence placed in their characters, which were by no means pure, their advice was ſuſpected of creating a ſeparation of intereſts between the people and the king. But the confidence of William was ſoon transferred to Carſtairs, his chaplain, who ſtudied, like the earl of Nottingham in England, to prepoſſeſs his maſter againſt the ſurrender of a ſingle branch of his prerogative,

rogative, as the more dangerous, and neceſſary to be reſiſted, where he was raiſed by popular conſent to the throne [1].

Convention turned into a parliament.

In the tranſactions of civil ſociety, the example of Cortes, when he reſigned his commiſſion from Velaſquez to a council of his own appointment, from whom he received another in the name of his ſovereign, has been frequently tranſcribed. By the royal aſſent to an act of convention, the eſtates who declared William king, were inverſely converted into a parliament by the ſame powers which they had previouſly conferred. Neceſſity was ſuppoſed, in each kingdom, to ſuperſede the vain conſideration of forms. While the nation was threatened with an invaſion by James, who had landed in Ireland, and with a civil war by Dundee, who retired to the highlands, the convention could neither be ſafely diſſolved, nor another parliament freely elected. But it is obſervable, that repreſentatives are ever more deſirous to perpetuate their authority than to return to their conſtituents; and when the convention was once converted into a parliament, its authority was prolonged during the whole reign.

June 5.

Oppoſition.

When the redreſs of grievances was taken into conſideration, a ſudden oppoſition was created between the parliament and the king. The latter, though not averſe to the regulation of the lords of articles, propoſed that they ſhould be freely

[1] Balcarras, 64. Burnet, iv. 34. Fount. Dec. Carſtairs' State Papers, p. 42.

BOOK X. 1689.

elected and monthly renewed by their reſpective eſtates; agreed that whatever motions they rejected might be revived in parliament; but required that the officers of ſtate ſhould be conjoined to facilitate buſineſs, or to preſerve ſome ſhare of a negative before debate. But the parliament, jealous of their influence or encroachments, was inflexible in demanding their removal from the articles. Their introduction into that committee was originally an uſurpation, no leſs than the official ſeats which they had acquired in parliament; and the loudeſt reſentment was excited at the king's refuſal, or reluctance, to redreſs entirely the firſt grievance of which the nation complained [2].

William, indifferent to forms of worſhip if toleration were eſtabliſhed, would have concurred in preſerving prelacy, if the epiſcopal party had contributed to his ſupport [3]. But as preſbytery was the condition on which he was admitted to the throne, an act was paſſed to aboliſh prelacy and pre-eminence in eccleſiaſtical office. His commiſſioner was inſtructed to repeal the extenſive ſupremacy which Charles had acquired [4], but he ſcrupled to abrogate the rights of patronage, which he conſidered as the only expedient to in-

[2] State Tracts, Temp. Gul. iii. 466. Burnet, iv. 35. Hiſt. of the Rev. 150. Minutes of Parlt. MS.

[3] Keith's Cat. of Scottiſh Biſhops, 43. Burnet, iv. 33.

[4] See his inſtructions, State Tracts, iii. 460. "to eſtabliſh "that form of eccleſiaſtical government moſt agreeable to "the people." As the parliament was prorogued before the acts were paſſed, Montgomery repreſented, in the Addreſs and Vindication, that they were refuſed by William.

fuſe

fuſe a mild or more tolerant ſpirit into the preſbyterian church. The parliament perſiſted in the repeal of patronage; and although epiſcopacy was aboliſhed, preſbyterian government, from their mutual oppoſition, remained uneſtabliſhed. BOOK X. 1689.

From the ſame deſire to reſtrain intolerance, he refuſed his aſſent to an act for the incapacitation of ſuch as oppoſed the revolution, or concurred in the illegal meaſures of the two preceding reigns. Proſcription from office, if ever juſtifiable, was juſtified by the recent government of Scotland. But the king adopted a generous and wiſe reſolution, to exclude no party from his ſervice, or the hopes of preferment, and to reduce no deſcription of men to deſpair.

The nomination of the whole judges was challenged, to exclude Stair the preſident, from the court of ſeſſion. It was admitted that a ſingle vacancy might be ſupplied by prerogative; but affirmed that the court, on a total vacancy produced by the revolution, muſt be renewed, as at firſt created, by the authority of parliament, and that the choice of a preſident belonged to the judges themſelves. An act was introduced, as in the reign of Charles I. that the judges named by the crown ſhould be examined, approved, or rejected by the eſtates; but as the demand exceeded the commiſſioner's inſtructions, the parliament was adjourned, amidſt ſuch a general ferment, that the judges aſſumed their ſeats under the protection of the troops [5]. Aug 2.

[5] Hiſt. Revol. 168—86. Addreſs and Vindication of the Scottiſh Parliament. State Tracts, Temp. Gul. vol. iii. Lord Stair's Vindication. Burnet, iv. 105. Ralph, ii. 105.

While

BOOK X.

1689. Character and exploits of Dundee.

While the parliament was thus agitated by the preſbyterians, a civil war was excited, and in the moment of victory, almoſt extinguiſhed in the north. With a new name it is not unfrequent to acquire a new and more honourable character in ſociety; and the cruelties of Graham of Claverhouſe are forgotten in the laſt ſplendid exploits of the viſcount Dundee. The ſame ardent and inflexible ſpirit that rendered him barbarous and inexorable towards the covenanters, was adapted to the moſt daring and extenſive deſigns. As an officer, he was able, intrepid, and experienced; of a ſound and cultivated underſtanding; endued with many perſonal virtues; parſimonious and ſevere by nature; generous and indulgent from policy; well acquainted with the diſpoſitions and temper of others, and poſſeſſed of an entire command over his own [6]. Ambitious to equal the renown as well as the cruelty of Montroſe, to whom he was related, he delighted in thoſe vigorous and enterpriſing councils, in the execution of which he was beſt qualified to excel. When James had withdrawn to Rochester, he concurred with a few friends to diſſuade his departure, undertook to collect ten thouſand of his diſbanded ſoldiers, offered to march through England with his ſtandard at their head, and to drive the Dutch forces with their prince before him [7]. Had he been entruſted, inſtead of Feverſham, with the command of the army, little doubt

[6] Balcarras' Mem.

[7] Macpherſon's Orig. Papers, i. 299.

can

can be entertained that if he failed to fulfil thoſe magnificent promiſes, the revolution at leaſt would never have been accompliſhed without immenſe bloodſhed. When he retired from the convention, the fears and expectations of each party were fixed on his deſigns. His intentions were diſcovered by intercepted letters from Melfort, who promiſed ſpeedy aſſiſtance from Ireland; propoſed to ſupport the war from the forfeiture of thoſe lords, whom they had marked for deſtruction, and threatened literally to reduce their enemies to hewers of wood and drawers of water. The letters, publiſhed in both kingdoms, announced the cruelties to be expected on the return of James [8]. Balcarras and his friends were ſecured; but Dundee retired into the highlands from Mackay's purſuit, with an intention to ſummon the clans to arms.

Begins a civil war.

At Inverneſs he found the Macdonalds of Keppoch, who had availed themſelves of the diſorders of the times to inveſt the town. On his obligation for its ranſom, they engaged in his ſervice, but returned to ſecure their plunder in Lochaber, where he ſummoned a general rendezvous of the clans. Deſcending in the mean while, with his horſe, to Perth, he ſurpriſed ſome troops, and levied contributions to the very gates of Dundee. It was not difficult, on his return, to excite the highlanders to arms, whoſe warlike

[8] The authenticity of theſe letters, though denied by the Jacobites, is admitted by Balcarras. They correſpond with Melfort's letter, found on Dundee's body after his death.

genius

BOOK X.

1689. genius was ſtimulated by the memory of their atchievements under Montroſe; and the apprehenſion that Argyle would be ſoon reſtored to his juriſdictions and eſtate. The Macleans and Macdonalds had ſuffered as the vaſſals or enemies of that powerful family; the Camerons had obtained large grants of its poſſeſſions; and as the highlanders were peculiarly favoured by James, a general confederacy was formed among the clans [9]. Seventeen hundred men were aſſembled by Dundee, armed with their paternal ſwords, but unprovided with artillery, ammunition, proviſions, or pay. By interpoſing between Mackay and a reinforcement which Ramſay conducted through Badenoch, he obliged the latter to retreat to Perth, and on the ſurrender of Ruthven caſtle, purſued the former along the courſe of the Spey. The fidelity of the Scottiſh dragoons was ſeduced; a regiment originally raiſed for the ſervice of James. Their treachery was timely diſcovered, and Mackay, returning with reinforcements, endeavoured in vain to outſtrip the ſpeed of the highlanders on their native hills. But the highlanders, loaded with plunder, deſerted in ſuch numbers, that Dundee retired into the wilds of Lochaber, and diſmiſſed his army till the expected ſuccours from Ireland

June 13. arrived. In this ſituation, the mortifying intelligence of the ſurrender of Edinburgh caſtle, would have overwhelmed a mind leſs vigorous than his own with deſpair [10].

[9] Mackay's Mem. 210—38. MS. Adv. Lib.

[10] Dundee's Mem. Macpherſon's Orig. Papers, i. 355—66. Balcarras, 60.

On

1689. Encounters Mackay.

On the arrival of three hundred recruits from Ireland, he ſummoned the highlanders again to arms. The caſtle of Blair was defended againſt lord Murray, by one of his father's, the marquis of Athol's vaſſals, whom Dundee haſtened to relieve, and Mackay to reduce. The place was equally important, to reſtrain Dundee to the remote highlands, or to ſecure his acceſs to Athol, Perth, and Angus, where his party were numerous; but on his approach to Blair, the Atholmen, with a loyalty unexampled among the highlanders, deſerted their chieftain, and filling their bonnets with water to king James's health, abandoned the paſs of Killycranky, which they were employed to guard [11]. When importuned by his officers to pre-occupy and defend the paſs, he convinced them that if Mackay were permitted to enter, and attacked before the arrival of his cavalry, a fairer opportunity for victory would never be obtained. Mackay, an officer equally brave and pious, but diffident, averſe to bloodſhed, and better fitted to execute than command, had advanced with three thouſand foot and two troops of horſe, from Dunkeld. On emerging from the defile, he diſcovered the enemy advancing from Blair, and arranged his troops as they arrived, along a narrow field, where there was not room ſufficient to form a reſerve. Dundee, whoſe forces exceeded two

[11] Dalrymple aſcribes this revolt to lord Lovat's management, on the authority of his manuſcript Memoirs. His Memoirs have ſince been publiſhed, but they contain no alluſion whatever to the fact.

thouſand

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thouſand five hundred men, arranged them on an oppoſite eminence, according to their clans, with the hills behind to ſecure a retreat. For ſome hours they continued to regard each other, exchanging ſome diſtant ſhots, while the commanders omitted nothing to encourage their reſpective troops. Dundee recommended to their valour, the defence of their country, their religion, their king. Mackay repreſented the juſtice of the proteſtant cauſe, and the impoſſibility of a retreat through a long and narrow paſs, overlooked by mountains overgrown with wood, and overhanging a ſteep precipice, with a river beneath [12].

Battle of Killycranky. June 17.

Within an hour of ſunſet the ſignal was given by Dundee, and the highlanders deſcended in thick and ſeparate columns to the attack. They ſuffered conſiderably from the enemy's fire, but till within a few paces, reſerved their own. After a ſingle, deſultory diſcharge, they ruſhed forward with the ſword, before the regulars, whoſe bayonets were then inſerted within the muſket, could be prepared to receive or reſiſt their furious attack. The weight of their columns pierced the thin and ſtraggling line where Mackay commanded. Their ponderous ſwords completed the rout; and within a few minutes, the victors and the vanquiſhed, intermixed in the field, in the purſuit, and in the river, diſappeared from view. Mackay alone, when deſerted by his horſe and ſurrounded, forced his way to the right wing, where two regiments

[12] Mackay's Memoirs, MS 306—12—28. Burnet, iv. 38. Macpherſon's Orig. Papers, i. 369—72.

maintained

maintained their ground. While the enemy were intent on plundering the baggage, he conducted them in silence and obscurity, across the river beneath the defile, and continued his flight for two days through the mountains to Stirling, less afraid of the highlanders, oppressed with booty, than of Dundee's pursuit at the head of his horse [13].

Death and victory of Dundee.

But Dundee, whose pursuit he dreaded, was himself no more. After a desperate and successful charge on the artillery [14], which he seized with his horse, he returned to restore the battle on the left, and to renew the attack against the two regiments that remained entire. At that moment, while his arm was extended to his troops, and his person conspicuous to the enemy, he received a shot in his side, through an opening in his armour, and dropt from horseback as he rode off the field. He survived to write a concise and dignified account of his victory to James. With the loss of nine hundred of his men, two thousand of the enemy were killed or taken; and but for his untimely fate,

[13] Macpherson's Orig. Papers, i. 369—72. Balcarras. Mackay's Memoirs, 327—43. Dalrymple, on the authority of Mackay's manuscript, informs us that Mackay, on ascending the first eminence, and perceiving there was no pursuit, said to those around him, that he was sure the enemy had lost their general. Dalrymple's Memoirs, ii. 89. Mackay, who escaped in the dusk, expressly declares that he was apprehensive of Dundee's pursuit, whom he knew not to be killed. MS. Memoirs. Adv. Lib. p. 338.

[14] Three pieces of light leathern artillery, probably preserved since the civil wars. Id. 326.

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not a man would have eſcaped. Had he ſurvived to improve this diſtinguiſhed victory, little doubt can be entertained that he would have recovered the whole of Scotland beyond the Forth. His party were prepared to take arms on the borders, and his progreſs ſouthwards might have arreſted William's attention and arms, till James was firmly eſtabliſhed in Ireland. But his death was fatal to his party, and among the papers found on his body, a letter from Melfort, that the indemnity was couched in terms which might be broken or revoked by the king at pleaſure, excited deep diſguſt at the inſincerity of James [15]. A rude ſtone was erected on the ſpot, to mark to future times where he fell. His memory was long lamented by his party, and his name is ſtill celebrated in their poetry, as the laſt of Scots [16].

His army diſperſed.

On the firſt report of the defeat, while Dundee was daily expected to advance, the conſternation was extreme. Government propoſed to abandon the north, and confine its forces to the defence of the Forth. Such unworthy counſels were rejected by Mackay, who returned within a few days after his defeat, and by an opportune enterpriſe, ſurpriſed a detachment of the highlanders at Perth. The command of their army had devolved on Cannon, an Iriſh officer unacceptable to the clans; who knew not how to improve the victory which their valour

[15] Macpherſon's Orig. Pap. i. 370—2. Balcarras.

[16] See Pitcairn's Epitaph on Dundee, which Dryden has not diſdained to tranſlate.

had

had obtained. With an army increaſed to four thouſand men, he continued to coaſt along the Grampians, followed by Mackay; the one afraid to deſcend from the mountains, the other to quit, with his cavalry, the advantage of the open plains. Returning by a ſecret march to Dunkeld, he ſurrounded the regiment of Cameronians, whoſe deſtruction appeared ſo inevitable, that they were abandoned by a party of horſe to their fate. But the Cameronians, notwithſtanding the loſs of Cleland their gallant commander, defended themſelves amidſt ſome ſlight encloſures againſt the whole army, with ſuch deſperate enthuſiaſm, that the highlanders, diſcouraged by the repulſe, and incapable of perſevering fortitude, diſperſed and returned to their homes, nor reſumed their arms till the ſucceeding year [17]. BOOK X. 1689. Auguſt 21.

The ſudden decline of a formidable inſurrection gave no intermiſſion to the violence of factious diſcontent. From the abrupt and frequent prorogations of parliament, the exiles who returned from Holland were apprehenſive that there was no deſign to reſtore their forfeited eſtates. Even when epiſcopacy was utterly aboliſhed, the preſbyterians in general were impatient of delay, and from the refuſal to redreſs entirely their grievances, ſuſpicious of William's intentions to re-eſtabliſh their church. Their diſcontent was fomented by the diſappointed Montgomery's intrigues and revenge. Under the deſignation of the club or country Montgomery's plots.

[17] Mackay's Mem. 319—64. Balcarras. Macpherſon's Orig. Pap. i. 371.

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party, a regular oppoſition was already formed againſt the court. Notwithſtanding the receſs of parliament, a majority of the members were perſuaded to concur in a remonſtrance, enumerating the grievances of which redreſs was denied; and upbraiding William, in terms of affected reſpect, with his choice of miniſters from among their former oppreſſors. The proceedings of parliament were vindicated by Montgomery, and Ferguſon the plotter, with the accuſtomed bitterneſs and aſperity of Ferguſon's pen [18]. The remonſtrance was preſented by Montgomery, Annandale, and Roſs; but the leaders of the country party were received with ſuch marked diſpleaſure, the vindication was productive of ſuch viſible offence, that they deſpaired of regaining the confidence or favour of the king. Revolutions are ever productive of freſh conſpiracies; and when the mind is once releaſed from habitual obedience, not only the adherents of the old, but the diſappointed candidates under the new government are impatient for a change. The advantages denied by the one, may be acquired from the other; and from the ſucceſs of a great example, the perils of a conſpiracy have become familiar to their minds. Before the new government has acquired ſtability and ſtrength, they imagine that the old may be reſtored with the ſame facility, and by the ſame means, with which it was ſubverted. In theſe circumſtances it is not ſurpriſing that the reſtleſs Montgomery was the firſt to conſpire againſt the revolution which he

October 15.

[18] State Tracts. Tem. Gul. vol. iii.

had

had contributed to produce. Ferguſon's motives were probably thoſe of a ſecret republican, who had acquired an habitual delight in plots, and was actuated rather by an averſion to monarchy than an attachment to James. The earl of Annandale and lord Roſs, who had alſo promoted the revolution, were perſuaded by Montgomery that the honours and preferment from which they were excluded by the ingratitude of William, might be obtained by returning to the allegiance due to their lawful king. Their connexions with his partizans in England are imperfectly known; but their plots, as far as obſcurely diſcovered, were viſionary and abſurd. Montgomery, a violent fanatic, propoſed to eſtabliſh preſbytery, by perſuading the parliament to declare for James; and for that purpoſe projected a coalition between the Jacobites and preſbyterians, to diſband the army by the refuſal of ſupplies, and by reſolving the parliament again into a convention, to reſtore their ancient government and king. A correſpondence was opened with James; and conceſſions which coſt him nothing, were eaſily obtained. He agreed to a general indemnity and ſettlement of the preſbytery in its moſt rigid form; appointed Annandale commiſſioner to the preſent parliament, created Roſs and Montgomery earls, and the latter ſecretary of ſtate for Scotland [19].

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Such fantaſtic plots might embarraſs, but could never overturn a government. The Jacobites

And coalition with the Jacobites.

[19] Balcarras. Annandale's Confeſſion in Dalrymple's Memoirs, iii. 54.

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eaſily diſcerned that to recall the late king, in a parliamentary manner, without arms, was too extravagant to ſucceed. But if William were once conſtrained to diſband the army by the refuſal of ſupplies, and to diſſolve the parliament from the extravagance of its demands, they conſidered juſtly that the kingdom might be eaſily recovered by an inſurrection of the highlanders, aided by a timely deſcent from Ireland [20]. Their whole party were invited and urged to return to their ſeats, and the diſgraceful ſcene that ſucceeded, when the parliament was reſumed, marks how forcibly the influence of faction may control the moral, and religious principles of the human mind. The oaths to government merely profeſſed, as in England, to be faithful, and bear true allegiance to William and Mary, without an acknowledgment of their lawful title or right to the crown. To relieve the ſcruples of the conſcientious, a diſtinction between a king *de facto* and *de jure* was thus humanely introduced; but there were few Jacobites who heſitated, by the groſſeſt equivocation, to accept the oaths to the government which they meant to overturn, and to ſwear allegiance to William, whom they had conſpired to dethrone. Their deſigns were carefully concealed from the preſbyterians [21], whom Montgomery perſuaded that

[20] Balcarras, 85.

[21] Id. Balcarras affirms, that among the preſbyterians the plot was confined expreſsly to Annandale, Roſs, Montgomery, and Ogilvie, afterwards lord Seafield. Some hiſtorians have imagined, and James himſelf believed, that Argyle and other preſby-

that nothing more was intended than to ſtrengthen their intereſt in parliament againſt Melville and Stair. But the moſt violent meaſures were propoſed to render the preſbyterians irreconcileable to William, from an aſſurance that he would never yield to their exorbitant demands.

Diſſolved.

As the duke of Hamilton, whoſe ſon was deeply engaged in the plot, had been found untractable, lord Melville was appointed commiſſioner to parliament, which at firſt aſſumed a lowering and diſcontented aſpect. Alarmed at the return and coalition of the diſaffected members with the preſbyterians, he ſolicited additional powers, and in one article ventured to exceed his inſtructions. When the act of ſupremacy was repealed, the preſbyterians began to confide in his ſincerity, and to diſtruſt the intercourſe of their leaders with the Jacobites, whom they deſerted daily in almoſt every vote[22]. The few Jacobites who refuſed the oaths, had diſappointed their party of a majority in parliament. On the return of a meſſenger from James, they diſcovered that all honours and emoluments under the future government were engroſſed by their aſſociates, whoſe wild and fantaſtic plots they abandoned in diſguſt. Nothing had been procured

preſbyterian lords were privy to the plot. Macpherſon's Orig. Pap. i. 234. 399. Argyle was alſo ſuſpected by William. Dalrymple, iii. 212. But he was active during the plot in ſecuring Strahan, a meſſenger from James, and like the other preſbyterians, engaged only in the oppoſition, and was probably ignorant of the plot itſelf. Hiſt. Rev. 212.

[22] Annandale's Confeſſion; Dalrymple, iii. 57.

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for Arran but an indemnity to his father: no forces had been ſolicited from Ireland to ſuppreſs their enemies if the parliament were diſſolved; and at that critical conjuncture, the opportune defeat of the highlanders extinguiſhed any rational hopes of ſucceſs. On the arrival of Buchan with officers and ſupplies from Ireland, they reſumed their arms; but were ſurpriſed on deſcending into Strathmore, and diſperſed by Livingſton, and the preſent Fort William was built by Mackay, to reſtrain their incurſions [23].

And diſcloſed to government.

When deſerted by both parties, the three original conſpirators, conſcious and mutually ſuſpicious of perfidy, haſtened to anticipate each other by the earlieſt diſcoveries of their own plots. Lord Roſs gave the firſt intimation to the queen. From a latent principle of honour, he refuſed to become an evidence againſt his aſſociates, and was committed to the tower. Montgomery, informed of his departure for court, diſcloſed the whole correſpondence to Melville. Unwilling or unable to name his confederates in England, he deſpaired of a full pardon; and after ſome years ſpent in conſtant plots, expired in exile of vexation and grief. Ferguſon, an experienced plotter, was too wary to be convicted, even when betrayed by Annandale, whom he had ſecreted in London; but Nevile Pain, employed as an agent from England, endured a double queſtion with a conſtancy diſgraceful to Annandale the informer; and from the public indignation which it excited, was the laſt man who

[23] Balcarras, 89. 93.

ſuffered

suffered the torture in Scotland. But the humanity of William was desirous rather to prevent than to punish their designs; and there are few examples in history of a plot so extensive, detected and suppressed without a single execution [24].

Redress of grievances.

As the hopes of the conspirators were placed on the refusal of every popular demand, the redress of grievances became the more necessary to dissipate the plot [25]. The right of parliament was acknowledged, to appoint committees at pleasure, of an equal number from each estate. The officers of state were admitted to sit and deliberate without a vote, and instead of the domineering articles, which were abolished forever, separate committees were appointed, for supplies, elections, forfeitures, and the government of the church. 1. Twenty-eight monthly assessments were granted, a land-tax of an hundred and sixty-eight thousand pounds, to be levied in five years. The sixth penny of interest was voted for a year, but converted afterwards into a tax on hearths, at a time when hearth-money was abolished in England at William's request. 2. When the grievance respecting the manner and measure of representation was considered, a salutary addition of twenty-six members was made to the counties, to counterbalance the recent increase of the peerage. 3. The iniquitous sentences of Jervisswood, Argyle, and others, were reversed according to the claim of rights, and their

[24] Balcarras, 89. 93. Burnet, iv. 91. Annandale's Confession; Dalrymple.

[25] Id. iii. 201.

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heirs reſtored to their honours and eſtates. Forfeitures and fines incurred ſince the inſurrection at Pentland were repealed; by a ſingle act, upwards of four hundred attainted perſons were reſtored by name; and the numerous ſufferers under the late reigns were ordained to be indemnified by ſuch as had obtained lucrative gifts of their eſtates or fines. 4. When the act of ſupremacy was repealed, the preſbyterian miniſters ejected by the prelates, were reſtored to their livings, and with ſuch as they had admitted, or might thereafter admit, were inveſted with the full and excluſive government of the national church. A general aſſembly was appointed, for the expulſion of thoſe epiſcopal clergymen whoſe doctrines were erroneous, or their example ſcandalous. The Weſtminſter confeſſion of faith was confirmed, as the teſt and ſtandard of orthodoxy and perſecution; but the curſe of excommunication was diveſted of every civil or penal effect. The ſevere and ſanguinary laws againſt conventicles, the teſts, and in general the oppreſſive acts of the preceding reigns, were repealed; but by an aſſurance to government, the diſtinction between a king *de jure* and *de facto* was abjured. The covenants were judiciouſly overlooked or forgotten; but as the rights of patronage were abrogated, the preſbyterian form of government was eſtabliſhed in its full extent [26].

Preſbytery reſtored.

Abrogation of patronage.

The clergy ejected at the reſtoration, of whom not above threeſcore ſurvived, were inclined to moderation from experience and age. But the

[26] Minutes of Parl. MS.

miniſters

miniſters whom they had admitted were violent, and often illiterate preachers, ordained in ſecret, during the perſecuting triumph of prelacy, againſt which they were inſpired with the moſt vindictive zeal [27]. Neither the preſervation of their order and authority, nor their ſour and illiberal temper, exaſperated by thirty years of perſecution, nor their ſudden ſenſe of independence, after ſubſiſting hitherto on the voluntary though precarious oblations of the faithful, permitted them to liſten to the moderation recommended by William, or to retain ſuch of the epiſcopal clergy as might ſubmit to their diſcipline and confeſſion of faith. In their preſbyteries, and in the general aſſembly, they proceeded with the moſt indecent violence, and often on the moſt frivolous pretexts, to exclude the epiſcopal incumbents from the circumſcribed and narrow pale of an orthodox church [28]. From their indiſcreet and intolerant bigotry, the king began to repent of his conceſſions. Such was the peculiar infelicity of his reign, that every conceſſion to the preſbyterians alarmed and awakened the jealous clamours of the Engliſh church; every conceſſion in Scotland to the epiſcopal diſſenters, offended the preſbyterians; and each ſuſpected that he was indifferent or ſecretly averſe to their eſtabliſhed ſect. But he complained with reaſon, that his commiſſioner had exceeded his inſtructions in aboliſhing patronage, which was properly no innovation on the conſtitution of the Scottiſh church. From the beginning of the reformation

[27] Burnet, iv. 42. 92.

[28] Skinner, ii. 562.

it

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it had ſubſiſted as a right, though proteſted againſt as a grievance, till the death of Charles I. when the choice of the miniſters was firſt transferred to the congregation, and their admiſſion to the preſbytery, on a popular election or call. This privilege was reſtored at preſent with ſome reſervation. The rights of patronage were purchaſed by the pariſhes at an inconſiderable rate, and the miniſters propoſed by the elders and landholders, were approved or rejected by the congregation at large. Their diſſent was reviewed by the preſbytery, and as the elders were ever more numerous than the landlords, the influence of the clergy never failed to determine the election. But the clergy were not thereby relieved from the neceſſity of low aſſentation; on the contrary, their influence over the people induced them to cultivate the moſt popular arts; grace and zeal were invariably preferred to moderation and learning; and to determine the choice of a fanatical people, it was neceſſary that the clergy ſhould become fanatics themſelves. Their fanaticiſm reacted on each other; while the king was deprived of the influence of the patrons to prevent the expulſion of the epiſcopal, and to reſtrain or temper the intolerance of the preſbyterian clergy [29].

But the ſatisfaction with which the re-eſtabliſhment of preſbytery, and the redreſs of grievances inſpired the people; the ſecurity derived from the detection of the plot, and the praiſe of clemency due to government, were effaced by a barbarous

[29] Burnet, iv. 89. Carſtairs, 45. Parl. 1690, ch. 23.

tranſaction,

transaction, not inferior to the worſt event in the preceding reigns.

1690. Pacification of the highlands attempted.

On William's departure for Ireland, to diſpoſſeſs James of his laſt kingdom, a plan was ſuggeſted for the ſecurity of Scotland, to perſuade the highlanders to ſubmit to government, by ſums of money diſtributed among the clans. The arrival of Buchan, and the expectations entertained from Montgomery's plots, had prevented its ſucceſs. The epiſcopal lords who repaired to court on the king's return, to implore a pardon, endeavoured to extenuate their concern in the plot, by their apprehenſions from the preſbyterians; promiſed to ſupport the eſtabliſhed government if protected from the fury of Melville's party; and engaged to appeaſe the diſorders of the highlands, if the remainder of their clergy were preſerved from expulſion. Though nothing could be more inſincere than their promiſes, the earl of Melville was gently diſplaced with his friends. Sir John Dalrymple, the maſter of Stair, was appointed ſecretary; the earl of Tweedale chancellor; Lothian commiſſioner to the aſſembly, which was ſoon diſſolved; and by a political miſtake that diſguſted the preſbyterians, ſome of the late plotters were admitted into adminiſtration, while they continued ſecretly devoted to James. Breadalbane, whoſe influence was extenſive in the highlands, was entruſted with twelve thouſand pounds to reconcile the chieftains, or rather to purchaſe a ceſſation of arms. That inſidious and intereſted nobleman, void of attachment either to James or William, employed

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employed his emiſſaries to perſuade the clans that to ſubmit to government, till a fairer opportunity occurred to reſume their arms, was the moſt acceptable ſervice to the court of St. Germains [30]. Suſpicious that he meant to appropriate the money to himſelf, the highlanders roſe in their demands, and betrayed his advice to government; but it was diſcovered that they ſought permiſſion themſelves from James to capitulate, with a deſign to reſume their arms at his command. A ſevere proclamation was therefore iſſued in Auguſt. They were required to ſubmit to government, and to receive the oaths and a free pardon before the firſt of January; and to enforce the penalty of military execution, a winter campaign was projected through the highlands. A plan ſuggeſted by Breadalbane's revenge, was adopted by the cruel policy of Dalrymple, to extirpate every clan in Lochaber that refuſed, or neglected to ſubmit on the day preſcribed. When the day approached, the chieftains, intimidated or appriſed of their danger, haſtened to diſarm the reſentment of government by their timely ſubmiſſion. Dundee and Buchan's officers were permitted to capitulate, and tranſported to France, where they were reduced to a company of private ſoldiers; and from the indigence and hardſhips ſuſtained during their gallant ſervices in Catalonia and Alſace, few of theſe unhappy exiles ſurvived to reviſit their native country [31].

[30] Burnet, iv. 107—26. Macky's Characters and Mem. Lond. 1733.

[31] Memoirs of Dundee's Officers in France. Carſtairs, 137—40. Dalrymple, iii. 210. Ralph, ii. 331.

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The laſt man to ſubmit was Macdonald of Glenco. Towards the end of December he applied to the governor of Fort William, who refuſed, as not a civil magiſtrate, to adminiſter the oaths; but diſpatched him in haſte, with an earneſt recommendation to the ſheriff of Argyle. From the ſnows and other interruptions on the road, before he reached Inverary, the county town, the day preſcribed for ſubmiſſion had elapſed. The benefit of the indemnity was ſtrictly forfeited; the ſheriff was moved, however, by his entreaties and tears, to receive his oath of allegiance, and to certify the unavoidable cauſe of his delay. But his oath was induſtriouſly ſuppreſſed, by the advice particularly of Stair the preſident; the certificate was eraſed from the liſts preſented to the privy council; and it appears that an extenſive combination was formed for his deſtruction. The earl of Breadalbane, whoſe lands he had plundered, and whoſe temporizing advice he had betrayed to government, was inured to the moſt atrocious maſſacres by the execution of letters of fire and ſword againſt the earl of Caithneſs, whoſe eſtate and titles he had formerly uſurped. Dalrymple, the ſecretary, had imbibed the bloody ſpirit of Lauderdale's adminiſtration; and, inſtigated by Breadalbane's reſentment, expreſſed the moſt ſavage joy at an opportunity to extirpate a thieviſh clan. They perſuaded William that Glenco was the chief obſtacle to the pacification of the highlands. Perhaps they concealed the circumſtance that he had applied within due time for the oaths to government, which he had ſince received. But they procured inſtructions, ſigned, and for their greater

1691. Military execution concerted.

1692.

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greater ſecurity, counterſigned by the king himſelf, to proceed to military execution againſt ſuch rebels as had rejected the indemnity, and refuſed to ſubmit on aſſurance of their lives. As theſe inſtructions were found inſufficient, they obtained an additional order, ſigned, and alſo counterſigned, by the king, "that if Glenco and his clan could "well be ſeparated from the reſt, it would be a "proper vindication of public juſtice to extirpate "that ſect of thieves." But the direction given by Dalrymple far exceeded even the king's inſtructions. In his letters to the commander in chief he recommended the cold and long nights of winter as the ſeaſon fitteſt for execution, when the highlanders could not eſcape to their hills with their wives and children, and, without houſes, the human conſtitution was unable to ſurvive; regretted that the other clans in Lochaber, by their timely ſubmiſſion, had diſappointed his vengeance; directed with the local knowledge derived from Breadalbane, that the paſſes to Glenco ſhould be ſecurely guarded; and exhorted even the ſubordinate officers to be ſudden and ſecret in the execution of the plan, not to trouble the government with priſoners, nor to deſtroy the cattle and houſes, which might render the people deſperate, unleſs the whole clan were utterly extirpated. Such atrocious ſentiments, uttered as uſual with an ardent zeal for the public ſervice, were communicated to the officers with full effect [32].

[32] Enquiry into the Maſſacre of Glenco; State Tracts, iii. Somers's Coll. xv. Memoirs of the Maſſacre of Glenco.

Glenco,

1692. Maſſacre of Glenco.

Glenco, aſſured of an indemnity, had remained at home unmoleſted for a month, when a detachment arrived from Fort William, under Campbell of Glenlyon, whoſe niece was married to one of his ſons. The ſoldiers were received on aſſurance of peace and friendſhip, and quartered among the inhabitants of the ſequeſtered vale of Glenco[33]. Their commander enjoyed for a fortnight the daily hoſpitality of his nephew's table. They had paſſed the evening at cards together, and the officers were to dine with his father next day. Their orders arrived that night, to attack their defenceleſs hoſts while aſleep, and not to ſuffer a man, under the age of ſeventy, to eſcape their ſwords. From ſome ſuſpicious circumſtances the ſons were impreſſed with a ſudden preſentiment of danger, and diſcovered their approach; but before they could alarm their father, the maſſacre ſpread through the whole vale. Before the break of day, a party, entering as friends, ſhot Glenco as he roſe from his bed. His wife was ſtript naked by the ſoldiers, who tore the rings with their teeth from her fingers; and ſhe expired next morning with horror and grief. Nine men were bound and deliberately ſhot at Glenlyon's quarters; his landlord was ſhot by his orders, and a young boy, who clung to his knees for protection, was ſtabbed to death. At another part of the vale the inhabitants were ſhot while ſitting around their fire; women periſhed

Feb. 13.

[33] Glen co, or coen, the Cona of Oſſian; but it is obſervable that the Celtic hiſtorian or bard is not always ſo happy in the adaptation of former names or events to his poems. See the diſſertation annexed to this volume.

with

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with their children in their arms; an old man of eighty was put to the ſword; another, who eſcaped to a houſe for concealment, was burnt alive. Thirty-eight perſons were thus inhumanly maſſacred by their inmates and gueſts. The reſt, alarmed by the report of muſquetry, eſcaped to the hills, and were preſerved from deſtruction by a tempeſt that added to the horrors of the night. While the end of the Glen was guarded by Duncanſon, with a detachment from Fort William, Hamilton the colonel, to whom the ſuperintendance was entruſted, advanced with four hundred men to ſecure the eaſtern entrance, and complete the maſſacre; but from the inclemency of the night, was retarded beyond the appointed hour. When he entered the Glen at noon, an old man was the only victim that remained. But the carnage was ſucceeded by rapine and deſolation. The cattle were driven off or deſtroyed. The houſes, to fulfil Dalrymple's inſtructions, were burnt to the ground; and the women and children, ſtript naked, were left to explore their way to ſome remote and friendly habitation, or to periſh in the ſnows [34].

Univerſal outcry againſt it.

The outcry againſt the maſſacre of Glenco, from the induſtry of the Jacobites, was not confined to Scotland, but reſounded with every aggravation through Europe [35]. Whether the inhuman rigour or the perfidious execution of the orders were con-

[34] Enquiry into the Maſſacre. Memoirs of the Maſſacre. Burnet.

[35] When the orders were publiſhed in the Paris Gazette, Dalrymple deliberately remarks, that all that could be ſaid was, that in the execution it was neither ſo full nor ſo fair as might have been. Enquiry, &c.

ſidered,

ſidered, each part of the bloody tranſaction diſcovered a deliberate, treacherous, and an impolitic cruelty, from which the king himſelf was not altogether exempt. Inſtead of the terror which it was meant to inſpire, the horror and univerſal execration which it excited, rendered the highlanders irreconcileable to his government, and the government juſtly odious to his ſubjects. His friends endeavoured in vain, from his inadvertence and haſte, to transfer the blame to his miniſters; his miniſters, to vindicate the orders as ſtrictly legal, or analogous to letters of fire and ſword, which the privy council had been accuſtomed to grant. But when a ſecond order, ſigned and counterſigned by the king, with ſuch unuſual precaution, is combined with the impunity which his miniſters enjoyed, no doubt can remain that, although the execution might exceed his intentions, the meaſure was not concerted without his knowledge and previous conſent. No enquiry was made at the time; no puniſhment was inflicted afterwards, on the authors of the maſſacre. On the contrary, it is aſſerted that the officers moſt active in the execution were preferred. The beſt, and perhaps the juſt explanation of the tranſaction is, that William, beſet with miniſters inured to the ſanguinary meaſures of the former government, was betrayed for once into an act of cruelty inconſiſtent with his character, and with the mild and merciful tenor of his reign.

Sept. 18. Seſſion of parliament.

The parliament, hitherto deferred from the diſcontent excited by the maſſacre of Glenco, was aſſembled

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1693. assembled at length to provide troops and supplies. Hamilton was appointed commissioner, and the session was conducted by Johnson the secretary, a younger son of Warriston, with consummate address. By the detection of Pain's correspondence, who conducted the intrigues of the Jacobites from the recesses of his prison, the presbyterians were alarmed at the danger of a plot, and by some partial alterations, reconciled to government. The Jacobites were deterred from opposition; and from their mutual apprehensions, the enquiry into the massacre of Glenco was suppressed. An additional land-tax, capitation and excise, were provided for the support of six thousand additional troops. The assurance to government was imposed on church and state. All correspondence with France, however innocent, was converted into treason: but Pain, whose correspondence occasioned these acts, was preserved from trial by a secret intimation to Hamilton and others, that he might obtain a pardon if condemned, by an ample discovery of the concern of their relations and friends in his plots [36].

Judicial reforms.

During the preceding reigns, the corruption of justice excites no surprise. But the glory which the nomination of pure and upright judges reflects on William, was confined to England; nor is it sufficient to ascribe to political animosities the outcry of all parties against Stair as president. The

[36] Carstairs's State Papers, 154—8, 9. Ralph. ii. 426. Burnet, iv. 176. Parl. 1693, ch. 2, 3. 6. 8, 9.

evil

evil of which they complained, may be eſtimated from the milder remedies to which the indignation of parliament was with difficulty reſtrained. Its own minutes were repeatedly falſified by Tarbat, lord regiſter. Orders never made were inſerted in private cauſes depending in parliament [37]; and it would appear that the ſame frauds were employed to innovate or pervert the judgments of the court of ſeſſion. Under the decent pretext of preventing miſtakes, the clerk was enjoined to prepare, and the chancellor, or the preſiding judge, to ſubſcribe its *interlocutors*, as ſoon as pronounced, in the preſence of the court. That theſe miſtakes were neither accidental, nor of a venial nature, is ſufficiently atteſted by the penalty of deprivation, to be inflicted on ſuch high officers as the chancellor and preſident, in addition to the nullity of whatever ſentences were otherwiſe ſigned. For the diſpatch of buſineſs, each judge was required to officiate as ordinary, and confined in weekly rotation to the outer-houſe; but the reaſon was explained in the act, that on his irregular attendance in the inner-houſe, either party, ſuſpicious of his influence and partial interference, might decline him as a judge [38]. By a ſtrange abuſe, the

[37] Carſtairs, 153—67—9—72—81.

[38] Each of the fourteen ſubordinate judges ſits in rotation as ordinary in the outer-houſe, to determine cauſes, in the firſt inſtance, before they are brought under the review of the whole court. The prohibition was directed againſt his attending, or being called in by the preſident, to determine a doubtful queſtion in favour of a friend. The prohibition was obviouſly inadequate; as the preſident might delay the cauſe till the

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the judgments, both of the seſſion and juſticiary, were pronounced or concerted in private, when the parties were withdrawn; and to reduce the judges under the ſalutary influence of public opinion, they were ordained to deliberate with open doors. But the anxious precaution of parliament to reform the adminiſtration of juſtice, demonſtrates rather the extent of the evil than the efficacy of the cure [39].

Eccleſiaſtical affairs.

The parliament was not inattentive to the peace of the church. On accepting the oaths to government, ſuch of the epiſcopal clergy as ſubſcribed the confeſſion of faith, and acknowledged preſbytery as the only legal eſtabliſhment, were to be admitted by the next aſſembly into the government of the church; or, on its refuſal, received under the protection of the crown. Elated by the introduction of their party into office, the epiſcopal

ordinary's week had expired, or till a judge, whoſe opinion was adverſe to his own, were employed as ordinary.

[39] Parl. 1693, ch. 18, 19. 21. 26, 27. Secretary Johnſon writes to Carſtairs on the perverſion of juſtice. "Mr. Stevenſon will tell you the inſtance of the nation's averſion to the ſeſſion, that all parties agree in that. An honeſt man knows not what colours to give to the concern that appears to ſupport an eſtabliſhed perverſion of juſtice. I ſhould ſleep ſound were I aſſured the king would defeat the French, as it is evident whoever pays well ſome lawyers, do infallibly carry their cauſe, &c." Carſtairs, 184. See alſo 174. Balcarras aſcribes the duke of Hamilton's oppoſition to Stair, to the deſire of filling the bench with dependents, as he had a number of law-pleas in hand. It is not where impartial juſtice is adminiſtered that we complain of the judges, or endeavour to corrupt them.

clergy

clergy imagined that the king was their own; and expecting nothing less than to supplant the presbyterians, neglected to qualify to government within the appointed time. The law intended for their protection might have proved their ruin; but, to the surprise of the presbyterians, they were still protected and preserved in their livings. The last assembly had been abruptly dissolved; but the clergy proceeded, in the name of the church, to dissolve themselves. The king was persuaded, by an insidious advice, to require the assurance to government from the approaching assembly, to whom it was little less intolerable, as an erastian usurpation, than to the episcopal clergy, as a solemn disavowal of hereditary right. The commissioner was instructed to dissolve the assembly if the assurance were refused; the clergy were prepared to sit and assert their independence on the civil magistrate. The consequences were mutually deprecated as ruinous; but in this perplexity they were relieved by the timely interposition of Carstairs, who persuaded the king to countermand the oaths; and the assembly, as a mark of gratitude, adopted the act of comprehension, to which the episcopal clergy refused to accede [40].

1694.

Influence and character of Carstairs.

During a series of campaigns unconnected with our history, William, from his frequent absence on the continent, became remiss and inattentive to the affairs of Scotland; the direction of which was devolved, by Portland, on Carstairs, who had

[40] Parl. 1693, ch. 22. Burnet, iv. 127—76. Carstairs, 58. Brown's Church Hist. ii. 326—9.

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1694. formerly endured the torture. From his ſilence then reſpecting ſome important ſecrets with which he was entruſted by Fagel, he became confidential chaplain to the king, and is to be conſidered henceforth as firſt miniſter of ſtate. All application paſſed through his hands; all employments, honours, and offices of ſtate, were left to his diſpoſal; and, without the public reſponſibility, he engroſſed the ſecret direction of public affairs. Few Scotſmen obtained acceſs to the king, unleſs through his intervention; and in his correſpondence with every department, it is curious to remark how the haughty nobility condeſcended to ſtoop and truckle to a preſbyterian clergyman, whom their predeceſſors in office had tortured and deceived. His moderation, ſecrecy, and a prudence apparently diſintereſted, recommended him to William: but he is repreſented as a cunning, ſubtle, inſinuating prieſt, whoſe diſſimulation was impenetrable; an uſeful friend when ſincere; but, from an air of ſmiling ſincerity, a dangerous Dec. 28. enemy [41]. His aſcendency commenced before the queen's death; and, amidſt every change of adminiſtration, his influence continued entire during the remainder of the reign.

1695. Parliament. May 9. On the death of Hamilton and Queenſberry, the marquis of Tweedale was appointed commiſſioner to parliament, which was never ſummoned except to provide ſupplies. The money voted for new levies, but not appropriated in the former

[41] Macky's Characters, 209. Ralph, ii. 579.

ſeſſion,

seſſion, had been ungenerouſly diverted to other purpoſes; and the troops intended for internal defence, were employed to recruit the regiments abroad. The nobility were thus diſappointed of commiſſions for themſelves and their friends. The people were diſguſted at William's ſupine inattention to Scotland; and an enquiry into the maſſacre of Glenco was ſo loudly demanded, that ſome extraordinary conceſſions were required from the crown. An enquiry was no ſooner propoſed, than the parliament was informed that a commiſſion had been iſſued to inveſtigate the maſſacre; and thanks were returned for a meaſure obviouſly intended to ſuperſede a public examination, and ſcreen the offenders from public juſtice. But the reſult of the enquiry, by the artifices of the miniſters to ſupplant a rival, was reported to parliament at its repeated requeſt; and after a diligent inveſtigation, the guilt of the maſſacre was transferred to Dalrymple. The king was literally tried, and acquitted by a vote, that his inſtructions contained no warrant for the ſlaughter; but the offenders, inſtead of being ſurrendered to public juſtice, as the parliament requeſted, were pardoned or preferred. The neceſſary ſupplies and levies were provided. The epiſcopal clergy were permitted, on accepting the oaths to government, to remain exempt from the juriſdiction of preſbyteries, and an hundred and ſixteen were perſuaded to qualify, and retain their livings under the protection of the king [42].

[42] De Foe's Hiſt. Union, 72. Burnet, iv. 177. 217. Carſtairs, 203. State Tracts, iii. Parl. 1695, ch. 27.

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But theſe grants and compliances of parliament were dearly purchaſed, by a conceſſion of which William had reaſon to repent.

African and Indian company eſtabliſhed.

When the charter of the Engliſh Eaſt India company was renewed, the oppoſition of numerous merchants, deſirous of a free or more extenſive trade, ſuggeſted to Paterſon, a director of the bank, the moſt extenſive ſchemes for the aggrandizement of Scotland. It is ſaid that this obſcure Scotſman was originally a buccaneer, who had acquired the ſpirit of romantic adventure from his aſſociation with that deſperate race of men. It is certain that he was the author and firſt projector of the bank of England; but that he was defrauded of a recompenſe by thoſe who adopted his plans [43]. His reſentment concurred with his patriotiſm, to confine his future ſchemes to his native country, through which he perſuaded the diſappointed merchants that a ſhare might ſtill be acquired in the Indian trade. Without explaining perhaps the particulars of his deſigns, he repreſented to the Scottiſh miniſters that a foreign trade might be concentered, and fixed in Scotland by a foreign capital; and a plan that promiſed to enrich the country was eagerly embraced. The maſſacre of Glenco was not yet expiated; and, to ſoothe and reconcile the parliament to the king's demands, the commiſſioner was authoriſed to aſſent to acts for the encouragement and extenſion of commerce, without detriment to the trade of England. But an act was paſſed to erect a trading company

[43] Burnet, iv. 230. Ralph, ii. 878—81.

to

to Africa and the Indies; with permiſſion to eſtabliſh colonies, towns, or forts, in places not inhabited or poſſeſſed by European powers; and with an exemption from duties for twenty-one years. A national bank, a more beneficial inſtitution, was alſo created; but for ſome years the African or Indian company was the excluſive object that engroſſed the annals and attention of Scotland. The religious diſputes of the former age had begun to ſubſide. When the people, relieved from the tyranny of their hereditary ſovereigns, began to contemplate their comparative ſituation, the genius of the whole nation acquired a ſudden and ſurpriſing change. Their country appeared to be poor and contemptible to the reſt of Europe. The reaſon was conſidered as obvious, that it was the only maritime country inattentive to trade. The removal of the court, and the frequent reſort of the nobility to England, were ſuppoſed to impoveriſh the kingdom, or prevent the gradual accumulation of a capital for the exerciſe of induſtry; and while other nations, during the laſt century, were rapidly progreſſive in arts and commerce, Scotland appeared to be ſtationary or retrograde ſince the union of the crowns. The benefit derived by Holland from her Indian trade, and by England from her colonies ſince the reformation, rouſed the attention and envy of the Scots; and when a commercial ſpirit was firſt excited by Paterſon's ſchemes, like a gameſter who contemns the ſlow returns and accumulation of profits, they languiſhed for the ſudden influx of national wealth.

1695.

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1695. Settlement at Darien projected.

It was Paterſon's original and oſtenſible deſign, to eſtabliſh an Eaſt Indian trade in Scotland, to which foreign merchants, impatient of the excluſive companies in England and Holland, might be invited to ſubſcribe. Neither the ſtock for trade, nor the market for ſale, was to be found in Scotland, where a ſmall part of the profits could be expected to remain. Such an inconſiderable company as has ſince been transferred from Oſtend to Sweden, might have ſubſiſted by underſelling thoſe large ſocieties, whoſe monopolizing ſpirit, and expenſive management, have ever required the moſt exuberant profits. But a ſecret and magnificent plan was engrafted by Paterſon on his original deſigns. During his voyages with the buccaneers he had probably viſited the iſthmus of Darien, of which a conſiderable part was unoccupied, or, as he conceived, unappropriated by the Spaniards, and inhabited by tribes of independent Indians, hoſtile to their name. On each ſide of the iſthmus he propoſed to eſtabliſh an emporium for the trade of the oppoſite continents; that the manufactures of Europe, and the ſlaves of Africa, tranſported to the gulph of Darien, and conveyed by land acroſs the ridge of mountains that interſects the iſthmus, might be exchanged for the produce of Spaniſh America, and for the rich merchandize of Aſia, imported to the gulph of St. Michael, or the river Sambo, in the bay of Panama. The ſame trade-winds that wafted the European commodities acroſs the Atlantic, would carry them acroſs the Pacific ocean to Aſia. The ſhips from each continent would return loaded with the produce of the

the others, while the ſhips from Europe would return with the produce of both the Indies. To unite the commerce of the two Indies, by a colony planted in the iſthmus of Darien; or, in his own language, to wreſt the keys of the world from Spain, was certainly the conception of no vulgar mind. It may be compared with the nobleſt and moſt ſucceſsful of Alexander's deſigns; to eſtabliſh a mart in Egypt, through which the commerce of India might flow for ages; and was worthy of Spain to execute, had Spain continued a free and enlightened nation. But the ſchemes of Paterſon were addreſſed to one of the pooreſt nations in Europe, and recommended by more immediate advantages, more attractive to the Scots. He repreſented the natural fertility of the ſoil, as adapted to the moſt valuable productions of the tropical climates, and the mines of gold with which the iſthmus abounded, as ſufficient to gratify their moſt inſatiate deſires. With a wiſer policy, he propoſed to render the colony a free port; where no diſtinction of party, religion, or nation, ſhould prevail. His ſchemes were communicated to a ſelect number; and as they were gradually ſuſpected, or ſuffered to tranſpire, the commercial ideas of the Scots were expanded, and they began to graſp at the riches of both the Indies [44].

1695.

But the ſchemes of Paterſon, however ſplendid or ſucceſsful, were unſuitable to Scotland, or to the circumſtances perhaps of any nation not poſſeſſed

Unſuitable to Scotland.

[44] Darien Papers, MS. Adv. Lib. Collection of Papers concerning Darien, Anno 1701. p. 22.

of

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of extenſive ſettlements in the weſt and eaſt. Before a ſtate engages in diſtant colonization, its capital ſhould be ſufficient to cultivate and improve its lands, to manufacture the produce for domeſtic conſumption, and to tranſport the ſurplus to a foreign market. But the rude produce of Scotland was generally tranſported in Dutch barks. There was no capital for its manufacture, even for home conſumption, much leſs for the proper culture and amelioration of the ſoil. That capital which has ſince encreaſed from the quick returns of a trade nearer home, muſt have been abſorbed and loſt in the ſettlement of Darien, the profits of which would have been remote and circuitous, and whoſe demands the manufactures of the country were then unable to ſupply. Inſtead of ſupporting domeſtic induſtry, a trade conſiſting of foreign manufactures, conducted even by a national capital, would have left nothing but the profits to be ſpent in Scotland. Even of that capital, a premature attempt to colonize muſt have deprived the nation by its very ſucceſs. The ſettlement and plantation of Darien muſt have drained the country of its moſt active and induſtrious inhabitants, its funds, its credit; while the wealth that returned, would have departed through a thouſand channels to the neighbouring nations, whoſe manufactures ſupplied its conſumption and trade. The colony might perhaps ſucceed; but the capital withdrawn from domeſtic induſtry, and loſt to the country, muſt have retarded, if it did not prevent, the accumulation of ſtock; and Scotland might have ſtill continued

tinued ſtationary and uncultivated, without induſtry or the means of improvement.

Such conſequences were then imperfectly underſtood; but more obvious difficulties occurred, which Paterſon, with the preſumptuous ardour of a projector, had not duly eſtimated. A joint ſtock was propoſed, of ſix hundred thouſand pounds, to be raiſed in equal proportions for England and Scotland. Such was the reputation with which the African or Indian company began its career, that within nine days three hundred thouſand pounds were ſubſcribed in London, where ten Engliſh directors were appointed to reſide. But the commercial jealouſy of the Dutch and Engliſh Eaſt India companies was immediately excited: the Weſt India merchants caught the alarm; and all the bitterneſs of national animoſity was at once revived. The two houſes of parliament concurred in a violent and abſurd addreſs; that from the vaſt immunities conferred on the African and Indian company, the ſtock and ſhipping of England would be transferred to Scotland, which might become a free port for the commodities of the eaſt; that the Engliſh, expelled from the foreign markets by the competition and exemption of the Scots from duties, would be underſold by a clandeſtine importation at home; and if Scotland were once permitted to acquire a ſettlement in America, that the colonial trade of England would be utterly loſt. The king replied, that he had been ill ſerved in Scotland, but expected that ſome remedy to prevent the inconvenience might ſtill be found.

1695. Oppoſed in England,

1696.

His

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1696. His miniſters, the marquis of Tweedale, who did not long ſurvive, and the two ſecretaries, Johnſon and Dalrymple, were immediately diſmiſſed. But the commons proceeded to enquire by what means the act had been obtained in the Scottiſh parliament; to examine what ſubſcriptions had been procured in London; and to impeach the directors in each kingdom for adminiſtering an oath of fidelity in England. The adventurers, intimidated at theſe furious proceedings, withdrew their ſubſcriptions, and relinquiſhed their deſign [45].

1697. And at Hamburgh. On the diſavowal of their Indian company, the indignation and reſentment of the Scots were exceſſive. The invidious oppoſition of the Engliſh confirmed their hopes; and as the act of which the king diſapproved, could neither be recalled nor ſuſpended, they determined to proceed. Four hundred thouſand pounds were immediately ſubſcribed, with ſuch ardent zeal, that the covenant was never more eagerly embraced. The nobility, gentry, and merchants, every borough, and almoſt every family of diſtinction in the kingdom, haſtened to ſubſcribe their name and credit, and to contribute their funds, to the firſt of thoſe ruinous projects, or national bubbles, which, in the South Sea and Miſſiſſippi ſchemes, were repeated afterwards in England and France. Diſtruſtful, however, of their own reſources, a third of their intended capital was reſerved for foreigners. On Paterſon's application, two hundred thouſand

[45] Darien Papers, MS. Ralph, ii. 623.

pounds

pounds were ſubſcribed at Hamburgh; but the company was ſtill purſued by the commercial jealouſy of the Engliſh and Dutch. Sir Paul Rycaut, the Engliſh reſident, preſented a memorial to the ſenate, threatening the city with his maſter's reſentment; and the merchants, notwithſtanding a ſpirited anſwer, withdrew their ſubſcriptions to avert his diſpleaſure from a free ſtate. The company petitioned in vain for redreſs; nor were theſe the only diſcouragements which it ſuſtained. An abſolute famine had ariſen in Scotland, from the failure of the harveſts during the three preceding years. Many families periſhed for want; many were driven to Ireland for ſubſiſtence, and the country was drained and impoveriſhed by large ſums exported for grain[46]. Nothing elſe than the national pride or honour, piqued and indignant at the oppoſition of the Engliſh, could have incited the Scots, under ſuch multiplied diſcouragements, to perſiſt in the ſcheme. Five large frigates, built or purchaſed for the company at Hamburgh, were fitted out with a cargo of merchandize, military ſtores and proviſions; and with a colony of twelve hundred men, three hundred of whom were gentlemen, deſtined for the ſettlement of new Caledonia, on the iſthmus of Darien. Their future government was veſted in a colonial aſſembly, and a council of ſeven, diſtinct from the company, which reſerved a twentieth part of the lands, metals, precious ſtones, and pearl fiſheries, and ſtipulated for an

1697.

1698.

Scots perſiſt in their ſcheme.

[46] Carſtairs, 385—7—91. Fletcher's Diſcourſes. Burnet, iv. 261. Vindication of Darien, 39.

annual

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1698. July 30.

annual return of ſeven thouſand pounds for the uſe of the ſhipping and military ſtores. As the hopes of the whole nation were placed on an enterpriſe, the greateſt which Scotland had ever undertaken, an addreſs was voted in a ſeſſion of parliament, to which ſir Patrick Hume, created earl of Marchmont and chancellor, was appointed commiſſioner, repreſenting the obſtructions invidiouſly created at London and Hamburgh, and demanding the protection of the king to vindicate thoſe privileges which the company had obtained [47].

Oppoſed by the king.

The ſituation of William, at the head of nations whoſe commercial and political intereſts were often diſcordant, was undoubtedly perplexing, and every conceſſion of trade to Scotland muſt have alarmed and offended the Engliſh and Dutch. But the ſettlement at Darien, which began to be ſuſpected, was irreconcileable with the vaſt deſigns which he meditated for the partition of Spain. To oppoſe the dangerous aggrandizement of the houſe of Bourbon, was the uniform object of his life and reign. To prevent its ſucceſſion to the whole of the Spaniſh monarchy, the partition treaty was concerted with Louis: but the ſettlement of the Scots at Darien, muſt have incenſed the Spaniards as the firſt ſtep towards its execution; and the French, as a perfidious departure from its terms. In theſe circumſtances William might refuſe his protection to the company, but was ſcarcely entitled to obſtruct its ſucceſs, much leſs

[47] Carſtairs, 315—92. Darien Papers, MS. Collection of Darien Papers.

to

to accelerate its ruin. But the Jacobites had acquired the chief ſhare and direction in the Darien company; and accuſtomed to conſider Scotland as an appanage ſubſervient to the intereſts of England, he ſuſpected their deſign to render him odious to his other ſubjects, and involve him prematurely in a rupture with Spain. In return to the addreſſes of the parliament and the company, he complained that he was not conſulted in the expedition, and when its deſtination was explained, inſtructions were diſpatched to exclude the Scots from all acceſs to the Engliſh plantations [49].

Settlement attempted at Darien.

Their fleet had coaſted around the north of Scotland, and after a ſhort delay at Madeira, continued its courſe to the gulph of Darien. The place of their deſtination was Acta, at an equal diſtance between Porto-bello and Carthagena, on the oppoſite coaſt to the iſle of Pines, where they found a ſecure and capacious harbour, formed by a peninſula, which they fortified and named Fort St. Andrew, from their tutelary ſaint. But the lands were firſt purchaſed from the native princes, and by a ſpecious example of moderation and juſtice, unknown to the new world, they propoſed to eſtabliſh a better title and right to the country than the Spaniards poſſeſſed. New Edinburgh, the intended capital of New Caledonia, was proclaimed a free port, open to all nations, and their firſt diſpatches to the company contained the moſt flattering accounts of the climate and ſoil. Their arrival, in the beginning of winter, happened

Nov.

[49] Id. 34. Ralph, ii. 817

BOOK X.

1698. at the moſt temperate and healthful ſeaſon in the tropical climate, when the air was cool, ſerene, and refreſhing, and the rich and luxuriant ſoil was no longer deluged with the rains attracted by a vertical ſun. But the company had already been defrauded by its directors and ſervants, and the proviſions brought from Scotland, were inſufficient for the colony, and ſoon conſumed. The gentlemen who had embarked as ſettlers, were unuſed to labour. The conſtitutions of the peaſants, inured to a cold and mountainous region, were unequal to the fatigue of clearing the ground. On the ſun's return from the further tropic, the colony melted away from improper food, and the diſeaſes incident in a ſultry, damp, and unwholeſome climate, where it rains almoſt inceſſantly during two thirds of the year. No ſloops were provided to diſtribute their cargoes for proviſions through the Weſt India Iſlands, nor were the cargoes properly adapted for ſale. The Spaniards who attacked their infant ſettlement, were repulſed with loſs; but one of their veſſels was ſtranded and ſeized at Carthagena, on its voyage to Barbadoes, and the crew were impriſoned and condemned as pirates. A veſſel diſpatched with proviſions from Scotland,
1699. was burnt at ſea. When the colony, in this critical ſituation, relied for ſubſiſtence on its trade with the Engliſh, proclamations were iſſued at Jamaica, Barbadoes, and the American plantations, prohibiting all ſuccour or acceſs to the Scots, whoſe ſettlement at Darien was an infringement of the peace and alliance with Spain. At home, the moſt

1699.

most violent remonstrance was presented by the Spanish ambassador. The French king, to conciliate the court of Madrid, offered a squadron to dispossess the Scots. At the end of eight months, the remainder of that ill-fated colony was constrained, by disease and famine, to abandon their settlement, and embark for Europe; but in the West Indies and America, their ships were either denied access, or detained when admitted into the English harbours [50].

Abandoned by the colony. June 21.

Before the evacuation of Darien was reported, a second and a third expedition had sailed from Scotland, not inferior in numbers to the first [51]. The company renewed their applications to the king for protection. In opposition to the Spanish ambassador's memorial, they maintained that a legitimate purchase from the native princes, who had still preserved their independence and the rights of possession, was a title far preferable to the pre-occupancy of a country which the Spaniards were unable to conquer, and had since relinquished. But when it was understood in Scotland, that in consequence of the proclamations in the Leeward Islands, the settlement was abandoned, the whole nation was struck with consternation and despair. To recede was impossible, without utter ruin; the most vigorous orders to repossess the country were dispatched in quest of the second colony, and the settlement was resumed, under the same circum-

Settlement resumed and again abandoned.

[50] Pamphlets on Darien. Col. concerning Darien, 122—43.

[51] Two ships sailed in May with three hundred men, four others in September with thirteen hundred. Darien Papers.

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ſtances of famine and diſeaſe. The new colony found the huts burnt, and the forts demoliſhed; but the difficulties of their ſituation, in a country that furniſhed no proviſions, nor returns for Europe, were encreaſed by diſſenſions among themſelves.

1699.

Feb. 24. Three months after their arrival, they were attacked by the Spaniards. Twelve hundred that advanced from Panama, were eaſily diſperſed; but a ſquadron of eleven ſhips from Carthagena forced them to capitulate, on permiſſion to embark with their effects for Europe. Their ſhips were unprovided for ſuch a long voyage, and of three ſucceſſive colonies that arrived at Darien, few ſurvived to return to Scotland [52].

March 18.

1700.

Ferment of the nation.

For a time the nation was ſoothed and pleaſed, with the hopes of repoſſeſſing its favourite ſettlement, and the apprehenſions of utter ruin had begun to ſubſide. But the public indignation at government was heightened, and the moſt clamorous efforts of rage were employed to extort from William a confirmation of the national right to Darien. In the hands of the Jacobites, who had inſinuated themſelves into the management of the company, the court of directors acted as a powerful engine in oppoſition to government. Public prayers, to avert or exaſperate rather the calamities of the nation, were appointed by the commiſſion of the aſſembly at their requeſt. A national addreſs to aſſemble parliament, was circulated through the kingdom, and univerſally ſubſcribed, while a proclamation againſt diſorderly petitions was iſſued in

[52] Darien Papers. Carſtairs, 499. 511. 612.

vain.

vain [53]. The addreſs was preſented by Tweedale, but the king's refuſal to accelerate the meeting of parliament encreaſed the ferment. When he ſought the approbation of the Engliſh parliament, the lords interpoſed to vindicate his oppoſition to the ſettlement at Darien, but the commons refuſed to concur in the addreſs; when he recommended an union, to reconcile the hoſtile intereſts of the kingdoms, they rejected the bill. In the reſolution not to diſturb the repoſe of Europe, nor renew the war for an inconſiderable ſettlement, to which the claim was at leaſt doubtful, his motives of juſt and enlightened policy obtained little credit, and made no impreſſion on the untractable Scots. When the day prefixed for their parliament approached, the preſbyterians united again with the Jacobites, and a majority appeared in oppoſition to the meaſures of the crown. The moſt inflammatory publications had been diſperſed through the nation; the moſt violent addreſſes were preſented from the towns and counties; and whoſoever ventured to diſpute or doubt the utility of Darien, was reputed a public enemy, devoted to a hoſtile and corrupt court. A reſolution to aſſert the national right to Caledonia, and to ſupport the colony as a national concern, was prevented by adjournment: and as the ferment ſtill continued, the parliament was prorogued. Before the members diſperſed, they concurred in a remonſtrance to the king againſt illegal adjournments, as a violation both of the freedom of debate, and the declaration of rights. The

1700.

May 21.

[53] Id. 500—13. Coll. Darien Papers, 103.

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populace roſe tumultuouſly, on the firſt notice of the defeat of the Spaniards by their countrymen at Darien. They proclaimed illuminations for the deliverance of Caledonia, demoliſhed the windows, or inſulted the perſons of the officers of ſtate, and broke open the priſons to releaſe ſome ſeditious printers; nor had the government vigor ſufficient to inflict a puniſhment adequate to the offence [54].

Diſtreſs and deſpair at the loſs of Darien.

But when the ſurrender and final ruin of the ſettlement were known, the calamitous ſtate of the nation was univerſally felt. Two hundred thouſand pounds were ſunk and loſt in the different expeditions; an equal ſum had been ſent abroad, during five years of ſcarcity, for the purchaſe of food, and a general bankruptcy was expected to enſue. Many who had ſubſcribed their whole fortunes, were reduced to ruin; and few families had eſcaped the loſs of a relative or friend. Inſtead of returning with wealth and diſtinction, the adventurers who ſurvived the mortality of a noxious climate, continued to languiſh in the Spaniſh priſons, or were left to ſtarve in the Engliſh plantations; and the nation, awaked from its dreams of immenſe wealth, ſtript of its credit, reſources, and trade. Its ſtock for trade was exhauſted; the credit of the nation was ruined; and as every neighbouring kingdom had proved an enemy, hoſtile to its aggrandizement, all hopes were extinguiſhed of emerging from a poor and contemptible ſtate. The ſenſe of preſent degra-

[54] Darien Papers, 133. Carſtairs, 510—33—9—86. 607—15. Ralph, ii. 848. Minutes of the Scottiſh Parl.

dation,

dation, was exaſperated by the memory of former independence, when its arms were reſpected, and its alliance ſolicited by the greateſt potentates. Every domeſtic calamity which the country had ſuſtained, was induſtriouſly traced to the removal of the ſeat of government, the corrupt reſort of the nobility to the Engliſh court, and the pernicious influence of Engliſh councils ſince the union of the crowns. The moſt deſperate attempts were projected, to ſit in parliament by force, or to hold a convention of eſtates at Perth. On the duke of Glouceſter's death, in whom, as the laſt child of the princeſs Anne, the ſettlement of the crown determined, the Jacobites propoſed to declare the throne vacant, and even the preſbyterians ſeem to have deliberated whether to ſeparate from England, if no ſucceſſor were provided on the king's demiſe [55]. As the ſcarcity of money, even for the common purpoſes of circulation, was univerſally felt, an aſſociation was formed againſt the uſe of foreign manufactures, or the importation of French wines, to deprive the government of the moſt productive articles of cuſtoms and exciſe. The Jacobites endeavoured to ſeduce, or prepared to diſband the army when the parliament met. Every indication threatened a ſeparation of the crowns; but their applications to the court of St. Germains were unexpectedly rejected. Louis, unaſſured as yet of his grandſon's ſucceſſion to the Spaniſh monarchy, was unwilling

1700.

July 29.

[55] Carſtairs, 561- 70. Intereſt of Scotland, in three Eſſays, by Seton of Pitmedden, 1700. Scotland's Grievances relating to Darien. Coles's Mem. 174.

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to renounce the partition treaty, and perſuaded James, that amidſt the diſſenſions of the two kingdoms, the encouragement given to the Scots might incenſe the Engliſh, from whom alone his reſtoration could proceed. That bigoted monarch, engroſſed with acts of monaſtic devotion, tamely expected the death of William as a ſignal to return and re-aſcend the throne [56].

Parliament mollified.

As the ſupplies for the army expired with the year, a ſeſſion of parliament became indiſpenſible; but the ſituation of the country never appeared more alarming or formidable to government, and nothing leſs than the king's preſence was expected to appeaſe the public diſcontent. His declining health, however, had encreaſed his natural reſerve and averſion to factions. Repoſing a juſt confidence in his commiſſioner, the duke of Queenſberry's addreſs and influence, he endeavoured by a conciliatory declaration, to ſoothe the people, and availed himſelf dexterouſly of the loſs of Darien, to repreſent the dangerous impolicy of involving his ancient kingdom, alone and unſupported, in a heavy war which ſhe was unable to ſuſtain, for a precarious ſettlement which it was impoſſible to preſerve in oppoſition to Spain. Every ſecurity was propoſed for the preſervation of religion, perſonal liberty, and the freedom of trade. The priſoners wrecked and condemned at Carthagena as pirates, were releaſed at his requeſt, and as the recovery of Darien, the ſole bond of union was no

[56] Coles's Mem. 55. 209—70. Macpherſon's Orig. Pap. i. 257.

longer

longer expected, the presbyterians were gradually detached from a party whose violence aimed at the destruction of the state. The members of parliament were the most untractable, as they were mutually pledged by their late addresses. But the boroughs were recently admitted to farm the customs; bribes and pensions were freely dispensed; and the officers of state undertook each a separate progress through the country, not to corrupt the the leaders of opposition, but to seduce their adherents. When the parliament was opened, the October 29. duke of Hamilton, the leader of opposition, was deserted by his former majority [57]: the affairs of Darien were postponed for acts to conciliate the public esteem: the people were gratified by the incapacitation of papists from the purchase, sale, or inheritance of lands, in preference or prejudice to the next protestant heir; but our gratitude is more justly due for the security which personal liberty obtained. An act frequently demanded, was introduced against wrongful imprisonment, and the undue delay of trial, which, notwithstanding the claim of rights, was never properly restrained. The informer was required to sign his information; the magistrate, a warrant expressive of the particular cause of commitment; and, on application to a competent judge, the prisoner was ordained to be released, on bail, within twenty-four hours, unless the offence were capital, in which case his trial was to be brought within sixty days. When released

[57] Carstairs, 650—73. Fletcher's first Discourse on Scotland. Boyer's Annals of Queen Anne. Minutes of Parliament.

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1700. leaſed on the failure to proſecute, he might be impriſoned again, on a ſecond indictment; but if twice diſcharged, he was exempt from all further proſecution for the ſame offence. Arbitrary tranſportation, ſo frequent during the former reigns, was prohibited without a legal ſentence, or judicial conſent; and in addition to the ſevere penalties annexed to wrongful impriſonment or tranſportation, the judges who rejected the priſoner's application, or refuſed to give full effect to the act, were declared incapable of public truſt. If in ſome particulars, inferior to the habeas corpus in England, the act inflicts a more adequate penalty on the iniquity of the judge.

Reſolutions of parliament.

But the affairs of Darien were too important to be treated with ſilence or contempt. The honour and independence of the nation remained to be vindicated; and a ſeries of popular, and high ſpirited reſolutions were adopted, againſt which the miniſters durſt not expreſs their diſſent. The addreſſes, votes, and the whole procedure of the Engliſh parliament, againſt a company inſtituted by an act of the Scottiſh legiſlature, were declared an officious and undue encroachment on the

1701. authority of an independent ſtate. The memorial of the Engliſh reſident to the ſenate of Hamburgh, was pronounced injurious, falſe, and contradictory to the laws of nations. The proclamations of the governors in the Engliſh plantations, were ſtigmatized as pernicious to the company, babarous and repugnant to the common rights of humanity. The colony of New Caledonia was finally vindicated,

cated, as a juſt and legal ſettlement, perfectly warranted by the ſtatute and letters patent which the company had obtained [58]. On theſe unanimous reſolutions, the miniſtry propoſed to addreſs the king. The oppoſition demanded an act, not only to aſſert the right, but to ſupport the proſecution of the claim to Darien, without which they aſſerted that the company was ſtill inſecure, and its adventurers liable to be treated as pirates. But their deſign was obvious, to involve the king in hoſtilities with Spain. After a fierce and tumultuous debate, an addreſs was carried by twenty-four votes, to vindicate the honour of the kingdom, and aſſure the company of his majeſty's protection [59]. The immunities of the Darien company were prolonged. The exportation of wool, the importation of foreign manufactures, or of French wines, were prohibited till the fiſh and manufactures of Scotland were admitted into France. The army was reduced to three thouſand men; and by the prudent conceſſions of William, aided by the intrigues of his miniſters, a parliament which had endangered the harmony of the two kingdoms, was quietly adjourned.

Death of James.

The remainder of the reign paſſed in ſullen diſcontent at the loſs of Darien, the remembrance of which was long preſerved with reſentment and regret. When the ſettlement of the crown was extended in England to the houſe of Hanover, the people were too much exaſperated

[58] Minutes of Parl.

[59] Id. January 13, 14. Carſtairs, 684.

in

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1701.

in Scotland for the ſame meaſure to be propoſed with ſucceſs; and to ſecure the proteſtant ſucceſſion, an union of the two kingdoms was deemed indiſpenſable. On the duke of Anjou's ſucceſſion to the Spaniſh monarchy, the hopes of the Jacobites revived at the proſpect of a war, which was accelerated, inſtead of being prevented, by the death of James. His ſpirit, immerſed in the moſt ſordid ſuperſtition, had already ſunk beneath the dignity or ſenſe of his misfortunes; and by the moſt aſcetic mortifications among the Monks of La Trappe, he ſeemed deſirous to convince the world, that, when deſpoiled of a crown, he was unworthy to reign. Naturally intrepid, juſt, open, and indulgent at leaſt in domeſtic life, his ſuperſtition chiefly contributed to render him tyrannical, relentleſs, puſillanimous, and frequently inſincere. He declined a competition for the crown of Poland, and at the peace of Ryſwick, would have refuſed his ſon as a ſucceſſor to William, had the latter offered as he expected, to educate or even to provide for his ſucceſſion to the throne[60]. His laſt moments were conſoled by the aſſurance of Louis to acknowledge the prince of Wales, who was proclaimed on his father's death, and received as king by the court of France. An event ſo grateful to his

Sept. 16.

[60] Such expectations, it appears, were entertained by the Jacobites previous to the peace of Ryſwick, but diſcouraged by James. Macpherſon's Orig. Pap. i. 551. But Dr. Somerville has ſufficiently ſhewn that no ſuch offer was made by William, and that the ſecret conferences between the earl of Portland and Marſhal Boufflers reſpected the jointure of James's queen. Hiſt. of Polit. Tran. 442.

adherents,

adherents, which alarmed and incenſed the Engliſh at the indignity of accepting a monarch from the French, confirmed the grand alliance projected by William, to circumſcribe the inordinate power of the houſe of Bourbon on the acquiſition of Spain. But at home the proteſtant ſucceſſion was ſtill inſecure. In his laſt meſſage to the houſe of commons, William earneſtly recommended an union of the kingdoms, which, from his approaching diſſolution, he had no hopes to accompliſh himſelf. 1702.

Death and character of William.

His conſtitution, feeble from his untimely birth, and oppreſſed by the cares of government when repoſe was neceſſary, ſunk beneath a complication of diſorders; but the immediate cauſe of his death was a fall from horſeback, which his decayed and exhauſted frame was unable to ſuſtain. He languiſhed above a fortnight, under an aguiſh fever, and expired in the fifty-ſecond year of his age, of an inflammation in his lungs. His perſon was of the middle ſize, ill-ſhaped and ungraceful, except on horſeback; his noſe aquiline; but the harſh features of his countenance, which was pale and ſolemn, were enlightened by the piercing luſtre of an eagle eye. From the conſtraint impoſed on his early youth, his manners were ſilent, cold, and ſo extremely reſerved, that he diſpenſed with almoſt equal indifference refuſals and rewards. Unfavourable impreſſions were ſooner received than effaced from his mind; but his reſentment never deſcended to the meanneſs of revenge. His habitual reſerve and taciturnity encreaſed with his declining

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declining health; but his diſpoſition was not always averſe to the enjoyment of ſocial life, nor unſuſceptible of the finer feelings of love and friendſhip. From the diſadvantages of a neglected education, he was ignorant of the fine arts, and inſenſible to their charms; incapable of a ſteady application to buſineſs, or impatient, perhaps, of the minute and official details of public affairs. But his virtues were of a ſeverer and more exalted order. His mind was ſtill intent on ſome great deſign, in which the various qualities of a ſound and provident judgment were ſucceſſively exerted; an invention ever fertile in reſources; a calm and ſerene magnanimity in battle and danger; fortitude during adverſity; moderation in proſperity; fidelity to his allies; and above all, an invincible attachment to public liberty, to which his ambition was a ſecondary, ſubordinate paſſion. His life was ſpent in a conſtant ſtruggle with France, at firſt to preſerve the independence of his country, then the balance or independence of Europe; and as he refuſed the ſovereignty of Holland, at the expence of its freedom, he would have equally rejected the crown of England, had it been offered on terms inconſiſtent with thoſe great deſigns. From the deliverer of England, he became the arbiter and protector of the liberties of Europe; and if not the moſt ſkilful and ſucceſsful general, the moſt enlightened and upright ſtateſman of his age; inflexible in his purſuit of public utility; not incapable of yielding to exigences; and improving dexterouſly every opportunity that occurred. Indifferent and impartial

to

to the factions that divided, and ſhook the nation, he truſted and employed them alternately, with a confidence that extended even to domeſtic treaſon; and from his intimate knowledge of the human character, he poſſeſſed the rare talent of adapting the ſervices of his ſecret enemies to the proſecution of his deſigns. His character was chiefly diſtinguiſhed by a ſteady integrity, a dignified ſimplicity, a patriotic regard for the rights of mankind. At the diſtance of a century, when the prejudices of faction are forgotten, and the benefits conferred by his government have ceaſed to operate, religious toleration, which he was the firſt prince in Europe to introduce, conſtitutes the pureſt glory of his life and reign. Like other benefactors of the human race, he experienced diſtruſt and ingratitude from the nations which he redeemed; but the Engliſh ought to revere his memory, as the greateſt monarch who has ſucceeded ſince Elizabeth, and the laſt who aſſumed the perſonal direction, and devoted himſelf to the ſervice, of the ſtate.

Lenity of his reign in Scotland.

Were an abatement to be made from this illuſtrious character, it is in the government of Scotland that the moſt exceptionable part of his conduct appears. There, however, it may be truly affirmed, that the ſtateſmen in whom he was obliged to confide, trained under the former government, and tenacious of its abuſes, betrayed him into arbitrary exertions of power; while the political ſituation of Europe, which engroſſed his time and preſence, in the cabinet and in the field, neceſſarily rendered him remiſs and inattentive to

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domeſtic affairs. Let it be remembered alſo, that amidſt the inceſſant plots and conſpiracies of the Jacobites, notwithſtanding the jealous fears from which new governments become rigid and cruel, not a ſingle perſon periſhed on the ſcaffold, nor was there a noble family in Scotland ruined by forfeitures during his lenient reign.

THE HISTORY OF SCOTLAND.

BOOK XI.

Acceſſion of Anne.—New Parliament.—Act of Security propoſed. — Paſſed. — Alarm — and Acts in England againſt the Scots.—Proteſtant Succeſſion attempted in Parliament.—Poſtponed for a treaty of Union. — Negociation of the Commiſſioners. — Articles examined in Parliament.—Debates and Arguments of each party on an Union.—Inſurrection projected and diſappointed.—Union ratified by the Scotch—and Engliſh Parliaments.—Completed by diſſolving the Privy Council, and introducing the Engliſh Treaſon Laws.—Review of its effects.—Concluſion of the whole.

THE acceſſion of the princeſs Anne, the eldeſt ſurviving, and the laſt proteſtant daughter of James, was acceptable to the whigs, as the ſettlement of the crown was fulfilled according to the claim of rights, and propitious to the tories, as a

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Stewart was again reſtored to the throne. The latter were introduced into the adminiſtration in England; but in Scotland, where the tories were almoſt all Jacobites, the whigs were ſtill permitted to remain in power. But the Jacobites were diſpoſed to acquieſce in the queen's government, from a rational expectation, and perhaps a ſecret aſſurance, that although ſhe would never relinquiſh the crown while alive, yet the ties of natural affection and attachment to the laſt prince of her race, might perſuade her to ſecure the ſucceſſion to her brother, in the event of her deceaſe.

State of parties.

The convention parliament, however refractory at times, had ſubſiſted during the whole of the preceding reign. From its long duration, the miniſtry had found acceſs to a majority of the members; and it was neither the intereſt of the former to diſſolve the parliament, nor the inclination of the latter to return to their conſtituents. While the people were tranquil, a general election was conſidered as unneceſſary, whenever they were agitated, as too dangerous to be incurred. But the loſs of Darien, as it was aſcribed to the pernicious influence of Engliſh councils, had created a formidable oppoſition in parliament, in proportion to the diſcontent which it excited through the nation. The Jacobites had aſſumed the maſk of public ſpirit, to unite with a party that aſſerted the commercial intereſts and independence of Scotland; and the duke of Hamilton, the oſtenſible leader of the country party, was popular from his uniform oppoſition to the crown. His attachment to the exiled family was unalterable; but

but his addreſs was ſufficient to unite and reconcile the moſt diſcordant parties, and the moſt oppoſite characters to the proſecution of his deſigns. Cautious, and almoſt irreſolute in deliberation, he was prompt, intrepid, and inflexible in the execution of meaſures; an impreſſive rather than an eloquent ſpeaker; dexterous in penetrating into the deſigns of others, but actuated, on the moſt important occaſions, by ſome ſelfiſh, ſubordinate conſiderations of intereſt or revenge. His fortune was embarraſſed by debts and law-ſuits, but his ſtake was too conſiderable, in each kingdom, to permit him ever to inſtigate his party to arms. From his ambition to ſupplant the duke of Queenſberry in adminiſtration, his chief object at preſent, was to procure a diſſolution of parliament, where his party was ſtill inferior in ſtrength [1]. 1702.

By an act paſſed for the ſecurity of the kingdom, in the late reign, the duration of parliament was prolonged ſix months after the death of the king. The eſtates were authorized to meet in parliament, within twenty days, to provide for the public ſafety and the proteſtant ſucceſſion, but not to innovate on the conſtitution or eſtabliſhed laws [2]. Hamilton and his friends had applied in perſon to the queen to diſſolve the parliament; but as a majority continued attached to the court, it was held by Queenſberry, after an irregular adjournment beyond the appointed time. Before her majeſty's Seceſſion from parliament.

[1] Lockhart's Mem. with Sir John Clerk's MS. Notes, p. 28. Cunningham's Hiſt. i. 322.

[2] Parl. 1696, ch. 17.

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commiſſion or letter was read, the duke of Hamilton roſe, and declared that the parliament, except as far as preſerved by the act of ſecurity, had expired in conſequence of the demiſe of the crown, and as the objects of that act were happily accompliſhed, as the proteſtant ſucceſſion and the public ſafety were already ſecured by her majeſty's acceſſion, he proteſted againſt the proceedings, or the continuance of parliament as an illegal convention, and withdrew at the head of eighty members, who were received by the populace with loud acclamations. Notwithſtanding this unexpected, and large ſeceſſion, the parliament was duly conſtituted; and when the queen's letter, recommending the meaſures of her predeceſſor, was read and enforced by the commiſſioner and chancellor, proceeded to vindicate her authority and aſſert its own. To diſown or impugn the authority of either, was created treaſon. Preſbyterian government was confirmed with ſuch zeal, that a member who pronounced its principles inconſiſtent with monarchy, was immediately expelled. The dean and faculty of advocates, who approved the proteſt of the eighty members, were ſummoned to the bar, and ſeverely reprimanded for their ſeditious votes. Ten monthly aſſeſſments and a half were granted, to be raiſed in two years; and the queen was empowered to appoint commiſſioners for a treaty of union, according to the laſt moſt earneſt requeſt of the late king. But a bill introduced by Marchmont the chancellor, to abjure her brother, the pretended prince of Wales, produced an unexpected diviſion among the preſbyterians themſelves. Some

were

were desirous to exclude the disaffected from the next parliament; others were averse to the settlement of the crown, till the redress of grievances were obtained from England. Ministers had received no instructions to provide for the protestant succession, which the English cabinet was inclined to leave undetermined, to overawe the whigs; and the parliament was adjourned, as the opposition threatened to summon the seceding members to their aid [3].

October 27. Union attempted.

Commissioners were appointed for each kingdom, to treat at Westminster, where some progress was made to facilitate an union. They agreed that the two kingdoms should be incorporated into one monarchy, under the same legislature and line of succession, with a mutual communication of privileges, and a free trade. The English consented with reluctance to admit of a participation in their plantation trade; the Scots were with difficulty persuaded to submit to the same imposts with England, on home consumption; but refused, without an equivalent, to incur a share of the national debt, or to relinquish their Darien company, in which the public faith and the wealth of the kingdom, were so deeply involved. The English commissioners, who still considered its privileges as inconsistent with those of their East India company, represented that the interference of two great and exclusive companies might prove injurious to the trade of the united kingdom; and to reconcile

[3] Lockhart, ii. Parl. 1702, ch. 7. Minutes of Parl. Carstairs, 714. Boyer's Annals of Queen Anne, i. 54.

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the oppoſite intereſts of two monopolies, ſuch difficulties occurred that the treaty was adjourned [4].

Change of miniſters.

But the unexampled duration of parliament, which had ſubſiſted fourteen years, excited general diſcontent. Originally elected for a convention, if its authority was doubtful or diſputable, when converted into a parliament in the preceding reign, its continuance under the preſent was conſidered as abſolutely null. The people were entitled to annual elections; and, after the ſeceſſion of the country party, began to diſpute the authority of the rump, as the parliament was termed, and to refuſe payment of the taxes which the laſt ſeſſion had impoſed. At the inſtigation of Queenſberry, who propoſed to diſſolve the attachment of the Jacobites to Hamilton, and ſurmount the oppoſition of the country party, the court embraced the opportunity to diſmiſs the whigs. The earls of Marchmont, Melville, Selkirk, Leven, and Hyndford, who adhered to the principles of the revolution, were diſplaced, and thoſe ſtateſmen were introduced into office who had occaſionally oppoſed the meaſures of the late reign. The Jacobites were elated with the change. They availed themſelves of an indemnity to return from exile; or accepted the oaths of allegiance to the queen, with a ſecret reſervation, as regent during her brother's minority. The epiſcopal clergy ſolicited, and were promiſed, an ample toleration;

[4] De Foe's Hiſt. of Union, App. 14. Tindel's Continuation of Rapin, iii. 558.

and,

and, although the public exercise of their religion occasioned frequent riots, expected nothing less than an alteration in the government of the church. The presbyterians, alarmed and depressed, began to suspect the new ministers, and the queen herself, of a secret design to supplant their religion, as the first step towards her brother's succession; when a new parliament was summoned, to provide for the deficiency of the former supplies[5].

New parliament.

The efforts of each party were exerted, at the general election, to strengthen its interest in the approaching parliament, the last which was destined to be held in Scotland. Lord Seafield, the chancellor, was employed to manage the returns; and his assurances of the queen's attachment and reliance on their fidelity, persuaded many of the Jacobites to transfer their interest at elections to the crown. But the court party was divided and broken by the recent change. The adherents of the revolution were jealous of their new associates, whom the late ministers were ready to oppose. The country party were almost equally numerous; and if we except a few Jacobites, consisted either of presbyterians, or of independent members indifferent to religious sects. The Jacobites, who assumed the name of cavaliers, formed a distinct body, whose numbers were still inconsiderable; but they were prepared to unite with either of the contending parties, and expected to incline the balance to which ever side they

[5] Lockhart, p. 21. Boyer, i. 160. 206. ii. 15. Ridpath's Account of Parl. 1703, p. 11. Cunningham's Hist. i. 320.

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chose[6]. When the parliament was opened by Queensberry the commissioner, a recognition of the the queen's title and authority was proposed by Hamilton, as a compliment or decent apology for an intended motion, that the last session was an illegal convention, and the ministers responsible for their unconstitutional advice. An additional clause was proposed to counteract this obvious design; that it should be high treason to question, not only her majesty's title, but the exercise of her government, since the commencement of her reign. The presbyterians concurred with the court party to support the amendment, which was carried by a large majority; and the Jacobites, who still adhered to the commissioner, endeavoured, by their ostentatious services, to merit favour from the queen. The earl of Home, their leader, proposed a supply; the earl of Strathmore an act of toleration, to exempt the episcopal ministers from the oaths to government: but their views extended to the revival of patronage, and the introduction of their clergy into the benefices of the church[7]. The presbyterians and the court party, attached to the revolution, were alarmed at their unwonted zeal in support of government. The commission of assembly petitioned against an iniquitous toleration. Argyle and Marchmont awakened the commissioner's jealousy at the growing power and ambition of Hamilton, to whom, when their present objects were once accomplished, the Jaco-

[6] Cunningham, i. 324, 5. Ridpath, 20. 31. Lockhart, 35.
[7] Ridpath, 5. 38.

bites

bites would ſtill continue to adhere. They introduced two acts, to confirm the preſbyterian government, and to declare it high treaſon to impugn the authority of the convention parliament, or to attempt an alteration in the claim of rights. As the abrogation of prelacy and eccleſiaſtical preeminence conſtituted an article of the claim of rights, the preſbyterian religion, from the concurrence of the preſbyterians with the court party, was thus indirectly ſanctioned by the penalties of treaſon, and all hopes of epiſcopal government were finally repreſſed. The Jacobites, who had ſtipulated that no confirmation ſhould be beſtowed on the revolution, abandoned the commiſſioner, by whoſe connivance their religion was proſcribed; and continued ever after attached invariably to the country party [8].

Diſpoſition of the parliament and the nation.

Theſe preliminary diſputes were ſubordinate to a more important queſtion with which the nation was agitated, productive of an ultimate union between the two kingdoms. Ever ſince the projected ſettlement at Darien, the genius of the nation had acquired a new direction; and as the preſs is the true criterion of the ſpirit of the times, the numerous productions on every political and commercial ſubject, with which it daily teemed, had ſupplanted the religious diſputes of the former age. As the loſs of Darien was invariably deduced from the ſervile dependence of miniſters on the Engliſh cabinet, whatever misfortunes the nation had ſuſ-

[8] Ridpath, 44. Boyer, ii. 36. Lockhart, 44. Poceedings of the Parl. of Scotland, 1703.

tained

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tained ſince the union of the crowns, the increaſe of the prerogative, and the exaltation of the hierarchy by James VI. the introduction of the liturgy by Charles, the civil wars which it produced in Scotland, and the furious perſecution under Charles II. were aggravated and aſcribed to the ſame cauſe by the public diſcontent. The commerce of the nation, as it was far leſs progreſſive than in other countries, was ſuppoſed to have declined ſince the acceſſion of James. A ſhare in the plantation trade was conſidered as a juſt equivalent, due to a nation impoveriſhed during the preceding century, by the attendance of its nobility at the Engliſh court, and the loſs of its commercial privileges in France. But the Scots were excluded from the plantations by the navigation act. Their ſhipping there had been ſeized and confiſcated; and their trade with England was diſcouraged, ſince the reſtoration, by the ſame reſtrictions impoſed on aliens [9]. Every attempt to extend their commerce, or eſtabliſh a ſettlement in the eaſt or weſt, was repreſſed by the predominating influence of the Engliſh cabinet; and it was ſuppoſed that the worſt, and moſt ſervile ſtateſmen were invariably ſelected for the adminiſtration of Scotland. Every opportunity to improve, or redeem their conſtitution from a foreign influence, had been diſappointed, it was ſaid, by the deluſive offer of an union till the danger ſubſided; and the nation lamented the improvidence of its anceſtors, who neglected to ſecure the independence of their government, by limitations previous to the union

[9] Ridpath's Diſcourſe on the Union, 1702.

of

of the crowns. The ſource of every preceding diſaſter was felt at once, on the loſs of Darien, in the pernicious influence of the Engliſh cabinet over the ſovereign, which it became the duty of every true born Scot to reſiſt. The country party was formed, like every oppoſition, of an independent intereſt, with the diſcontented of every deſcription intermixed; but their profeſſed object was to procure redreſs for the loſs of Darien, and emancipate their country from the Engliſh yoke. BOOK XI. 1703.

A fairer opportunity than the preſent could never have occurred. At the cloſe of the laſt reign, when the ſettlement of the crown of England was extended to the princeſs Sophia, Dowager of Hanover, the next proteſtant deſcendant of the elector palatine, and of Elizabeth, daughter of James VI. the eſtates of Scotland were not once conſulted, and no proviſion was yet made to preſerve the union of the crowns. The moſt ſalutary meaſure that originated in England would have been rejected by the diſcontented of all ranks; and an incorporating union was recommended by William, to eſtabliſh the ſame proteſtant ſucceſſion in Scotland, and prevent the final ſeparation of the kingdoms. The ſecurity of England required that the proteſtant ſucceſſion ſhould be received in Scotland, but it was the obvious policy of all parties there, that the ſucceſſion ſhould remain undetermined till their grievances were redreſſed, or the benefit of an union were firſt obtained. To ſecure the independence of government, the country party determined to impoſe limitations on the ſucceſſor Views of parties.

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ſucceſſor to the crown. The court party were inclined to poſtpone, or rather to introduce the ſucceſſion by a previous union; but it was the intereſt of the Jacobites to leave the ſucceſſion open for the laſt prince of the houſe of Stewart. Hamilton, who maintained a ſtrict correſpondence with the exiled family, was inſtructed to perſuade the queen if poſſible, to admit her brother to the crown of England during her life, that his acceſſion might be ſecured in England after her death. But the country party in general, the marquis of Tweedale, the earls of Rothes, Haddington, Roxburgh, Hyndford, Marchmont, lord Belhaven, Baillie of Jerviſwood, and Fletcher of Salton, were indifferent, or more probably irreconcileable to the pretender's intereſt, and never meant to renounce their attachment to the proteſtant ſucceſſion [10].

Act of ſecurity.

According to theſe views of the different parties, the ſettlement of the crown was induſtriouſly evaded. The conſideration of ſupplies was poſtponed, to prevent a ſudden prorogation, till an act for the ſecurity of the kingdom were prepared. In the event of the queen's death, it was propoſed that the parliament then exiſting, or if diſſolved, that the laſt parliament ſhould aſſemble within twenty days, during which the government was

[10] Macpherſon, and other late hiſtorians, erroneouſly repreſent the country party as all Jacobites. It is difficult now to aſcertain the numbers of each in parliament: but after the defection of the *Squadrone*, which conſiſted of more than thirty members, Lockhart is ſtill careful to diſcriminate the Jacobites from the country party.

to

to be lodged with the privy council and ſuch of the eſtates as repaired to town. Papiſts, aliens, Engliſhmen inveſted with a peerage, without an adequate eſtate in Scotland, were excluded from a parliament which was intended to provide for the demiſe of the crown. If no iſſue of the queen exiſted, and no heir were already appointed to the throne, the eſtates were directed to name a ſucceſſor, of the royal line and the proteſtant faith; but it was carefully provided, that the ſame perſon ſhould not ſucceed to the throne of England, unleſs ſuch conditions of government were previouſly framed, during her majeſty's reign, as might ſecure from Engliſh, or foreign influence, the honour and independence of the crown and kingdom; the freedom, frequency, and authority of parliament; the religion, liberty, and trade of the nation. An additional clauſe, propoſed in oppoſition to theſe limitations, was adopted in the act; that the ſame perſon ſhould be incapable of ſucceeding to both kingdoms, unleſs a free communication of trade, the benefits of the navigation act, and the liberty of the plantations, were alſo obtained. The commiſſions of the officers of ſtate and of the military commanders, were to expire with the ſovereign, to prevent the exiſtence or influence of an Engliſh government during the interregnum; the inhabitants fit for arms were ordained to be uniformly armed, and regularly diſciplined once a month; and the prerogative of declaring war and peace, by a ſeparate act, was to be exerted by the ſovereign with conſent of the eſtates; from an obvious deſign, that if the conceſſions expected from England

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England were ever revoked, the nation might refuſe to concur in its continental wars.

1703. Debated.

Never was an act ſo violent, adopted in Scotland with more deliberation, or oppoſed by more artful interruptions and delays. Each clauſe was debated and voted as a ſeparate act. As the eſtates were ſeldom permitted to meet till evening, or to ſit above once every third day, three months were conſumed on the act, that the members, wearied and exhauſted by attendance, might return to their homes [11]. But the independence of Scotland had created the deepeſt intereſt in the nation; and the act of ſecurity was ſupported with a ſpirit and eloquence which the parliament hitherto had never diſplayed.

Arguments for,

As the preſent ſettlement of the crown expires with the queen, nothing leſs, ſaid the advocates for the act, than the ſupreme power inherent in the eſtates, can prevent the diſſolution of the monarchy on her death. The government then reverts to the ſame ſituation in which it was placed at the revolution. The eſtates are entitled then to declare, or to anticipate at preſent the declaration of a ſucceſſor; much more, with the conſent of the reigning ſovereign, to preſcribe future limitations for the vacant throne. That limitations are neceſſary, nay indiſpenſable for the public ſecurity, is obvious from the ſituation of a Scottiſh prince on the throne of England, whoſe prerogative muſt ever be ſubſervient to the inclination of the court,

[11] Proceedings of Parl. 1703.

and

and the intereſt of the nation in which he reſides. While a limited monarch, he muſt conſult the intereſt of the Engliſh parliament; but if abſolute, his Scottiſh prerogative would ſtill be diſpenſed by the adminiſtration of England, to which the miniſters for Scotland muſt ſubmit implicitly, whether to procure or preſerve the offices and emoluments of ſtate. Thus it is, as long as the diſpoſal of places belongs to the king of England, that the government is devoted, like a conquered province, to Engliſh councils; the intereſts of Scotland have been uniformly ſacrificed, and the nation bribed and betrayed at its own expence. A few votes may diſſolve this inglorious ſervitude; and no alternative remains, but to ſeparate from England under a different ſucceſſor; unleſs, by previous limitations, the diſpoſal of all offices, penſions, and places of truſt, be transferred to the eſtates. It is not the prerogative of a Scottiſh prince, but of an Engliſh miniſter, that is transferred, or more properly an ancient privilege reſtored to parliament. The reſources of the nation will not then be exhauſted at the Engliſh court, when places and penſions are conferred by the eſtates. The meetings of parliament will neither be obſtructed nor interrupted by Engliſh councils, nor its acts deprived of the royal aſſent; but the grievances of the nation will be redreſſed by the execution of its own laws. To ſecure the independence of government is not alone ſufficient, except by another limitation, annual elections at Michaelmas, and an annual Parliament, held in winter, prevent the

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the corruption of the eſtates themſelves. But in vain would they provide for the ſecurity and independence of the kingdom, unleſs theſe and other limitations, under which they ſhall receive the ſame ſucceſſor with England, are ſupported by arms. If the nation is too poor to ſuſtain a military eſtabliſhment, let it be remembered that the poſſeſſion of arms is the proud diſtinction between a freeman and a ſlave. To remain unarmed till the queen's death, is to be reduced to ſervitude; and when the alternative of a ſeparation from England has been once ſuggeſted, there is no protection nor ſafety for Scotland, unleſs the people are armed [12].

And againſt it.

The opponents of the act of ſecurity argued, that the influence of Engliſh counſels, which was too viſible to be ſeriouſly denied, was the unavoidable reſult of the union of the crowns. The ſame influence had ſubſiſted ever ſince the acceſſion; nor was it leſs neceſſary to preſerve an unity of counſels than a good underſtanding between the kingdoms, to which much miſchief might otherwiſe accrue, were the meaſures adopted in Scotland hoſtile to the intereſt or tranquillity of England. Nothing but an incorporating union could exempt the Scots from this neceſſary dependence; but the act of ſecurity was calculated to ſeparate, and involve the two nations in an unequal war. When the diſpoſal of all places, civil and military, the nomination of judges,

[12] Proceedings of Parl. 1703. Ridpath's Proceedings of Parl. Fletcher's Speeches.

privy-

privy-counſellors, and officers of ſtate, are conferred on parliament, nothing remains for the ſucceſſor but the name of king. The executive and judicial powers are transferred from the ſovereign, the centre of union between the kingdoms, to a committee of eſtates; and the principle that unites the two kingdoms under the ſame monarch is thus diſſolved. But if the Engliſh refuſe to communicate a free trade, the Scots muſt declare for a different ſucceſſor, whom they are unable either to ſupport with dignity, or, if attacked by England, to maintain upon the throne.

The conſequences had neither eſcaped obſervation, nor did the country party approve unanimouſly of the propoſed limitations. In theſe limitations the ſettlement obtained from Charles I. was revived, that the privy-council and officers of ſtate ſhould be named by the king, with conſent of parliament, which was conſidered then as a full ſecurity for the religion and liberties of an independent nation [13]. Whatever are the evils with which it is pregnant, whether it tends to diſſolve the union, or to relax the ſinews and ſtrength of an empire, we muſt acknowledge that to preſerve the independence or prevent the diſcontent of an united kingdom, not incorporated under the ſame legiſlature, there ſeems to be no method but to ſubmit the domeſtic adminiſtration to the choice or conſent of the eſtates. That conſtitutional control on the executive, which the legiſlative power ſhould poſſeſs, is loſt wherever the adminiſtration is ſupported by external influence; and to reſtore an

[13] Burnet, v. 224.

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equality to parliament, additional limitations are neceſſary, if not an expreſs conſent to the appointment of miniſters. Accordingly, the ſame limitations were firſt adopted at the treaty of Edinburgh, in the reign of Mary, to preſerve the nation from the influence of French councils during her marriage with Francis II.

Royal aſſent refuſed.

But the court party were averſe to every limitation on the crown. Their oppoſition was ineffectual; but when the act of ſecurity was carried by a majority of fifty-nine votes, the royal aſſent was expreſsly refuſed. A bill was introduced by Marchmont, to eſtabliſh the ſucceſſion under the propoſed limitations, in the princeſs Sophia; but the ſettlement of the crown was premature, and acceptable to none. The parliament was prolonged in expectation of ſupplies; and the prohibition againſt French wines was repealed, to reſtore the cuſtoms. But the members were exaſperated at the refuſal of the royal aſſent to the act of ſecurity; and on the queſtion, liberty or ſubſidy, determined, after a fierce and tumultuous debate, to proceed next day to the limitations on the crown. Some denied the authority of the royal negative, introduced ſince the reſtoration. Others profeſſed their reſolution to die free rather than live ſlaves, and threatened to aſſert the privileges of parliament ſword in hand [14]. "Better," ſaid Fletcher, "that a popiſh prince ſhould ſucceed

[14] Lockhart, 57. Boyer's Annals, ii. 57. "We were often "in the form of a Poliſh diet, with our ſwords in our hands, or "at leaſt our hands on our ſwords." Sir John Clerk's Memoirs, MS.

"to

"to the throne under ſuch limitations as may "render the nation free and independent, than "the beſt proteſtant without limitations. If we "live free, it is indifferent to me, provided theſe "limitations are enacted, whether a ſucceſſor from "Hanover or St. Germains be named to the "throne." The commiſſioner, intimidated by their violence, deſpaired of ſucceſs, and adjourned the parliament without obtaining ſupplies.

Fletcher of Salton's character.

It was in this parliament that the eloquence of Fletcher of Salton was firſt diſtinguiſhed. Fletcher was apparently the early pupil of Burnet; but his virtues were confirmed by mature ſtudy, foreign travel, perſecution, and exile. When he withdrew from the oppreſſive government of the duke of York he engaged as a volunteer in the Hungarian wars; and, rather than deſert his friend, embarked in Monmouth's unhappy expedition, of which he diſapproved. At the revolution he returned with the prince of Orange, whoſe ſervice he declined when that prince was advanced to the throne. From the ſtudy of the ancients, and the obſervation of modern governments, he had imbibed the principles of a genuine republican. Averſe to William's authority as inordinate, he conſidered the prince as the firſt and moſt dangerous magiſtrate of the ſtate, to be ſeverely reſtrained, not indulged in the free exerciſe or abuſe of power. His mind was firm and independent, ſincere and inflexible in his friendſhip and reſentments, impatient of contradiction, obſtinate in his reſolves, but unconſcious of a ſordid motive or ungenerous deſire. His countenance and diſpoſition were ſtern and unaccommodating, however affable to his friends;

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but his word was ſacred; his probity was never ſullied by the breath of ſuſpicion; and equally tenacious, and ſcrupulous in the obſervance, of every point of honour, his ſpirit was proverbially brave as the ſword he wore [15]. His ſchemes were often eccentric and impracticable; but his genius was actuated by a ſublime enthuſiaſm, and enriched by an extenſive converſe with books and men. His eloquence is characterized by a nervous and conciſe ſimplicity, always dignified, often ſublime; and his ſpeeches in parliament may be claſſed among the beſt and pureſt ſpecimens of oratory which the age produced [16]. His free opinions were confined to no ſect in religion, nor party in the ſtate. The love of his country was the ruling paſſion of his breaſt, and the uniform principle of his whole life. In a corrupt age, and amidſt the violence of contending factions, he appeared a rare example of the moſt upright and ſteady integrity, the pureſt honour, the moſt diſintereſted patriotiſm; and while the characters of his venal, but more

[15] The ſame expreſſion is uſed without communication by Lockhart and Macky; but the laſt is peculiarly happy in his character of Fletcher. "He is a gentleman ſteady in his "principles, of nice honour—brave as the ſword he wears, and "bold as a lion—would loſe his life readily to ſerve his "country, and would not do a baſe thing to ſave it."

[16] It appears from Sir John Clerk's Memoirs, that Fletcher was not expert at extemporary replies. His ſpeeches, to be diſtinctly underſtood, muſt be read hiſtorically, as they refer to the different clauſes of the act of ſecurity and limitations on the crown. In this view, his Converſation on Governments, written to vindicate the proceedings of this ſeſſion, appears to me to be one of the beſt ſpecimens of dialogue writing in modern times.

ſucceſsful

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Scotch plot.

ſucceſsful competitors are conſigned to infamy or oblivion, his memory is revered and cheriſhed as the laſt of the Scots.

The courts of France and St. Germains were not inattentive to theſe tranſactions. Among other emiſſaries, Simon Fraſer was employed in Scotland; a man of low cunning and aſſentation, but of a flagitious and deſperate character, who claimed the honours and eſtate of Lovat. He had fled from juſtice for a rape on the late lord Lovat's widow [17], whom, to ſecure poſſeſſion of the eſtate, he had forced to conſummate a pretended marriage; but her brother the marquis of Athol's influence intercepted a pardon. On becoming a proſelyte to the catholic religion, his extravagant propoſals were embraced and recommended by the exiled queen. He obtained a private interview with Louis, and aſſured de Torcy, that if five thouſand French troops were landed at Dundee, and five hundred at Fort William, the highland chieftains, from whom he was commiſſioned, would appear in arms with ten thouſand men. The aſſurances of an unknown adventurer were not haſtily credited, and he was diſmiſſed with a gratuity to procure credentials from the clans. On his return to Scotland, he

[17] Lovat's Memoirs have been lately publiſhed, in which he denies that he ever approached the houſe where the dowager reſided. We may judge of his veracity not only from the trial (Arnot) but from his father's letter to Argyle, (Carſtairs, 434.) repreſenting his ſon as advantageouſly married to the widow, and both living very happily together. It is amuſing to read the pompous accounts of the territories, ſubjects, and wars of this adventurer, whoſe whole clan exceeded not ſeven hundred men.

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1703. was introduced to Queenſberry, whom the Jacobites had juſt deſerted in parliament, by Argyle and Leven, whoſe protection he enjoyed as an uſeful ſpy. Tarbet, created earl of Cromarty, Seafield and Athol, had abandoned the court party, though officers of ſtate; and as the laſt had introduced the act of ſecurity, the commiſſioner liſtened with avidity to whatever Fraſer's invention or reſentment ſuggeſted. He affirmed that Cromarty, Hamilton and Athol, his perſonal enemies, were engaged in a clandeſtine correſpondence with the court of St. Germains; and to confirm his information, produced a letter from the exiled queen, which was intended for the duke of Gordon, but directed to Athol by Fraſer himſelf. As the evidence was ſtill defective, he was permitted to range through the highlands in queſt of intelligence; and furniſhed, for the ſame purpoſe, with paſſports and money to return to France. But Ferguſon, a more experienced plotter, whom

1704. he met in London, diſcovered and communicated his deſigns to Athol, who complained loudly to the queen that a fictitious plot was contrived for his deſtruction. Fraſer, on his return to Paris, was impriſoned in the Baſtile; but in a few years was reſtored to liberty, and his ſervices, on the acceſſion of the Hanoverian family, recovered the titles and eſtate of Lovat. At the age of fourſcore he was deſtined to ſuffer on the ſcaffold, for his concern in the laſt rebellion to reſtore the Stewarts; but whatever his character or his crimes might be, the humanity of the Britiſh government incurred a deep

a deep reproach, from the execution of an old man on the very verge of the grave [18].

1704. Queenſberry and his friends diſplaced.

The Scotch plot, as it was termed in England, when communicated by the queen to the two houſes, excited the moſt violent diſputes. The whigs endeavoured to eſtabliſh, the tories to diſcredit the exiſtence of the plot, which they repreſented as a political contrivance, deviſed by Queenſberry to ruin his opponents. As ſome intercepted letters, and the confeſſion of Fraſer's aſſociates, ſeemed to confirm its truth, the houſe of peers, where the intereſt of the whigs predominated, declared that a dangerous plot to introduce the pretender had exiſted in Scotland, to which nothing there had contributed ſo much as the proteſtant ſucceſſion remaining unſettled. But their interference ſerved to obſtruct the ſucceſſion; and from the outcry againſt a fictitious plot, the removal of the duke of Queenſberry became indiſpenſable. The marquis of Tweedale was appointed commiſſioner; and as the offices of ſtate were reſerved for his numerous friends, the country party were broken and divided by the change. An adminiſtration choſen from the popular party was expected to eſtabliſh the proteſtant ſucceſſion, at preſent the undiſguiſed object of the Engliſh court; and the queen, to gratify the ſpirit of national independence, was perſuaded to yield to every limitation on the ſucceſſor to the crown. But the change was neither ſo timely nor general as to

[18] Lovat's Memoirs. Coll. of Papers concerning the Scotch Plot. Macpherſon's Orig. Pap. 1704.

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enable the new miniſters, before the ſeſſion commenced, to acquire a majority in parliament, where the duke of Hamilton was ambitious to preſide. Men of approved principles, long accuſtomed to oppoſition, are not ſuddenly reconciled to the meaſures of court; and the prevailing report, that the adminiſtration was ſtill ſubſervient to the Engliſh cabinet, was generally believed. A more injurious ſurmiſe was entertained, that the queen was ſecretly adverſe to the ſucceſſion of the houſe of Hanover, of which ſhe affected to approve. The adherents of the late adminiſtration were perſuaded that the preſent was intended only as a temporary change; and, when diſmiſſed from office, Queenſberry entered into a compromiſe with Hamilton, that if no ſerious inquiry were made into the Scotch plot, his friends ſhould join in oppoſition to the ſettlement of the crown [19].

Second ſeſſion of parliament. July 13.

The adminiſtration was certainly unconſcious of its own weakneſs at the commencement of the ſeſſion, when the proteſtant ſucceſſion, which had been delayed ſo long, was recommended by the queen. The moſt ſoothing expreſſions were employed in her letter; the moſt ſpecious limitations were proffered by the commiſſioner; and if national independence were the only object, the nomination of miniſters, or rather the ſupreme power under a proteſtant ſucceſſor, might have been transferred to the eſtates. But it was the intereſt of the Jacobites to prevent the ſettlement of the crown; and when Hamilton, to elude the decla-

[19] Burnet, v. 225. Boyer's Annals, iii. 38. Lockhart, 102.

ration

ration of a ſucceſſor, demanded a previous treaty of commerce with England, the country party were again deluded by the vaſt proſpect of a colonial trade. Miniſters repreſented in vain, that the queen would accede to every conſtitutional demand; but without the authority of the Engliſh parliament, could never diſpenſe with the navigation act, nor admit their ſhipping to the Engliſh plantations. Whatever the oppoſition had loſt by the defection of miniſters, was gained by the acceſſion of Queenſberry's friends. They inveighed at the late interpoſition of the Engliſh peers in the affairs of Scotland; deplored pathetically the unhappy ſituation to which the country was reduced; and after the moſt violent debates, determined, by a large majority, not to appoint a ſucceſſor till a commercial treaty were obtained with England; but to proceed to previous limitations on the throne. From the profeſſion of thoſe free ſentiments which their ſouls abhorred, the Jacobites were received by the people with unexpected applauſe; but the reſolution deſigned to obſtruct the proteſtant ſucceſſion, contrary to their intentions, proved the firſt ſtep towards an union of the kingdoms [20].

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The country party were elated with the triumph. Inſtead of proceeding to frame limitations, or to appoint commiſſioners of their own for the treaty, they addreſſed the queen againſt the undue interference of the Engliſh peers; requeſted the documents of the plot to be tranſmitted to the eſtates, and revived the act of ſecurity, which, with ſome alterations, was conjoined with the ſupplies to

Act of ſecurity revived,

[20] Lockhart, 106—21; and Sir J. Clerk's Notes, MS.

inſure

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insure its success. Nothing more was requisite to reduce the administration to extreme distress. The supplies provided by the convention parliament had been long exhausted. A large arrear was incurred to the army, which was unable to subsist without immediate pay. The treasury was notoriously exhausted; and such was the spirit of national independence, that the remittance of pay from England, which it was impossible to conceal, would have excited dangerous tumults, and might have been rejected as a foreign, ignominious subsidy, by the troops themselves. The alternative was unavoidable; to confirm the act of security, or to disband the army; but when the queen was consulted, her English ministers were almost equally perplexed. The act of security, which was pregnant with danger, provided conditionally for a separate successor, and threatened to arm the whole kingdom in his defence. But the danger in disbanding the army was immediate. The disaffected formed a numerous part of the nation; and the discoveries of the late plot excited serious apprehensions of an invasion from France. The highlanders, almost the only part of the nation possessed of arms, were the most disaffected; and, as they might be expected to revolt, the chief argument for arming the people under the act of security operated with additional force against disbanding the troops. The act of security was preferred, as a contingent evil, the inconveniences of which might be removed in time [22]. But Godolphin the

[21] Burnet, v. 227. Cunningham's Hist. i. 413. Lockhart, 125.

treasurer,

treaſurer, whom the queen chiefly conſulted, is ſuppoſed to have recommended the act from a refined policy, that the Engliſh, alarmed at the probable ſeparation of the crowns, might accede with leſs reluctance to an union of the kingdoms, to preſerve the proteſtant ſucceſſion and the empire entire [22].

And paſſed.

After a ſhort adjournment, the act of ſecurity was accordingly paſſed. The eſtates, in return for ſix monthly aſſeſſments, were authorized to meet on the queen's death; and enjoined to declare a ſucceſſor of the royal line, and the proteſtant faith; but not the ſame who ſhould ſucceed to the throne of England, unleſs the religion, liberties, and trade of the nation were previouſly ſecured [23]. When the princeſs Sophia and her deſcendants were thus conditionally excluded, the next prince of the royal line and the proteſtant faith was Hamilton himſelf, deſcended in the ſeventh generation from a daughter of James II. and from this moment it is ſuppoſed that a gleam of diſtant royalty burſt on his mind. The attach-

[22] "The queen was adviſed to give her conſent to the act, "as the moſt effectual meaſure to bring about the union, for it "ſo terrified the Engliſh that they eaſily came into it; that "thereby the ſucceſſion might be ſettled in the Houſe of "Hanover, and ſo all dangers were removed which by this act "were threatened. This obſervation I make from very good "authority, and that it was the earl of Godolphin who "adviſed the queen to conſent for the above purpoſe." Sir J. Clerk's Notes on Lockhart's Mem.

[23] The clauſe relative to the freedom of the plantations was read and voted, but by ſome artifice omitted in the act. Sir J. Clerk's Memoirs and Hiſt. of the Union, MS.

ment

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ment which he had hitherto maintained towards the exiled family, was ſhaken, in the opinion of the Jacobites, by the remote and viſionary proſpect of a throne [24]. It is certain that his future efforts were not unfrequently relaxed by a ſecret connivance with the court party; but whatever was ambiguous or irreſolute in his conduct, may be more truly aſcribed to ſome ſelfiſh motive of intereſt or revenge. Rather than communicate to Queenſberry and Seafield a perſonal ſhare in the treaty with England, he refuſed to concur with their friends in appointing commiſſioners; and the opportunity to ſecure the nomination of his own party before the parliament adjourned, was irretrievably loſt [25].

Its effects in England.

The Engliſh, when apprized of the act of ſecurity, were alarmed and rouſed from their profound indifference towards the Scots. It was conſidered rather as an act of excluſion, for the ſeparation of the kingdoms; and as every fencible man was ordained to be armed and diſciplined, by the landlord or magiſtrate, the moſt lively apprehenſions were excited in England. A ſeparate ſucceſſion was the leaſt danger to be apprehended. The Scots were poor and diſcontented, and to their opulent neighbours, if ſuffered to arm, would become the more formidable from their poverty and diſcontent. The moſt extravagant reports

[24] Macpherſon's Hiſt. ii. 359. Hooke's Negociations.

[25] Lockhart, 127. Had he and Athol conſented to admit Queenſberry and Seafield, they might have ſecured twenty-two out of the twenty-four commiſſioners.

were

were propagated, of vaſt quantities of ammunition and arms procured from the continent; and as theſe appeared irreconcileable with their poverty, the aſſiſtance of foreign powers was the more firmly believed. The alarm was induſtriouſly increaſed by the tories, for the removal of Godolphin; while factious writers, to exaſperate the nations, aſſerted the obſolete and exploded ſupremacy of England over the Scottiſh crown, and propoſed the reduction of the kingdom by force of arms. The wiſer part of the Engliſh had little apprehenſion that the Scots would perſiſt in their act of ſecurity, or that they could ſubſiſt, after the intercourſe of a century, as an independent kingdom, under a ſeparate monarchy, unconnected with England. But the danger of a diſputed ſucceſſion was obvious, if the crown remained unſettled till the queen's death. The pretender recalled by his adherents, if their violence prevailed in Scotland, would enter England with foreign auxiliaries, and renew the deſtructive alliance and incurſions of the French and Scots. The tranſactions of the civil wars were not yet forgotten; and the Scots, from their vicinity to the coal counties, might acquire in a few days the command of the capital. But the wiſer part of their nation deprecated an event which would revive the ſcenes of the grand rebellion, and unleſs the pretender were ſeated in both kingdoms, expoſe their country to a ſecond conqueſt, at a time when the arms of England were every where victorious, and never more formidable when directed by Cromwell. Moderate men of each nation were deſirous of a permanent remedy for theſe evils; and

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and the purpoſe of the act of ſecurity, from the opportune alarm which it excited, was already partly accompliſhed, inaſmuch as it inclined the Engliſh to aſſent to the demands of the Scots [26].

1705. Acts againſt the Scots.

An inquiry was firſt introduced in the houſe of peers, to diſcover by whoſe advice the act of ſecurity had obtained the queen's aſſent. As the abſence of morals, in a refined and diſſolute age, is ſupplied by a faſtidious affectation of ſentimental delicacy; ſo at a time when the influence of the Engliſh cabinet was never more conſpicuous, nor more predominant, the inquiry was plauſibly oppoſed, as an irregular interference, which might provoke the jealous indignation of the Scots. More moderate, yet compulſive, meaſures were recommended. The queen was empowered to appoint commiſſioners for an union of the kingdoms; but the Scots were declared aliens, if their parliament ſhould neither accede to a treaty nor adopt the Hanoverian ſucceſſion within a year. The importation of their cattle and linen was conditionally prohibited. Cruiſers were appointed to intercept their trade, and prevent the exportation of their wool to France. An addreſs to repair and garriſon the fortifications of Berwick, Carliſle, Newcaſtle, and Hull, was preſented to the queen. Regular forces were quartered on the borders; and as if the Scots were already in arms, the ſix northern counties were exhorted to prepare for defence [27]. Conciliatory were thus intermixed

[26] Burnet, v. 230. Sir J. Clerk's Obſervations on the State of Scotland, MS.

[27] Boyer. Burnet.

1705.

with compulsive measures; but there was reason to apprehend that these would rather exasperate than intimidate or reconcile the Scots to an union.

Execution of Green.

An incident occurred, from which national animosities were mutually inflamed. An English interloper, returning round the north of Scotland from the East Indies, was seized at the instance of the Darien company, as a reprisal for a ship which the East India company had confiscated in the Thames. From some unguarded expressions of the seamen, suspicions arose that they had captured another vessel sent by the Darien company to the East Indies, and murdered the captain with his whole crew. They obtained a legal if not an impartial trial. Their captain and thirteen seamen were condemned to death for piracy and murder, on the evidence of a single black, corroborated however by presumptive circumstances; but there was no proof that it was the company's ship which they took, or its crew whom they massacred. On the day of execution, the populace, apprehensive of being defrauded of their revenge, surrounded and threatened to force the prison, insulted the privy-council, pursued and endangered the chancellor's life, nor were pacified till the sentence was inflicted on Green the captain and two of his crew. The rest, after a long imprisonment, were dismissed, as the evidence was considered as defective. But the rage and insults of the populace were productive of the keenest resentment in England; the sentence and execution of Green were ascribed to national animosities; and the antipathy, mutually kindled,

admonished

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admoniſhed government that an accommodation between the two kingdoms ſhould no longer be deferred [28].

Change of adminiſtration.

The feeble adminiſtration of Tweedale was therefore diſſolved, and Queenſberry reſtored with his friends to office. As his conduct in the late plot was ſtill expoſed to inquiry, the duke of Argyle, a young, ambitious ſoldier of the moſt promiſing expectations, was appointed commiſſioner to parliament, with inſtructions to eſtabliſh the ſame proteſtant ſucceſſion as in England; or, if that ſhould be found impracticable, at leaſt to procure an act for a treaty of union. A treaty with England was a popular and indefinite meaſure which it was difficult openly to oppoſe; and if ſome were deſirous to introduce the ſucceſſion indirectly, by a previous union, others expected that the treaty would be prolonged for years, and the ſucceſſion deferred. But the ſettlement of the crown was a queſtion of which the event was the more doubtful, as the late miniſters, who refuſed to adhere to the oppoſition that deſerted, or to the court that diſmiſſed them, formed a diſtinct party, which acquired the cant name of the *Squadroné Volanté*, and affected to trim between, and incline the balance to either ſide.

Squadroné party.

Third ſeſſion of parliament.

Soon after the ſeſſion commenced, the duke of Hamilton reſumed his motion, that the ſucceſſion ſhould be deferred till a commercial treaty were

[28] Green's Trial. Arnot's Criminal Trials. Sir J. Clerk's Hiſt. MS.

concluded

concluded with England, and the independence of the nation ſecured by proper limitations on the crown. His motion was carried, as formerly, by the aid of Queenſberry's friends; and as no means remained but an union, for the ſettlement of the crown, the Jacobites became unconſciouſly acceſſary to that event. They proceeded to frame limitations, to fetter, if unable to prevent, the ſucceſſion of the Houſe of Hanover. On Queenſberry's arrival they were deſerted by his friends; but the ſquadrone party concurred in an act that the judges, privy-counſellors, and officers of ſtate, ſhould be named in parliament after her majeſty's deceaſe. Ambaſſadors were ordained, by another bill, to attend and provide for the intereſt of Scotland in foreign treaties, wherein the country had been uniformly overlooked and neglected ſince the union of the crowns. A third was paſſed for triennial parliaments, which the court party endeavoured to ſuſpend till the queen's death; and the Jacobites, apprehenſive of their own feats, conſented, in an act to abridge the duration of parliaments, to prolong the preſent for three additional years. But theſe acts never obtained the royal aſſent [29].

Act for a treaty

The treaty with England, for which the ſettlement of the crown had been thus poſtponed, was reſumed on the motion of the earl of Mar. The Jacobites concurred in a popular meaſure, ſuggeſted by themſelves to retard the ſucceſſion; but endeavoured to limit, and fruſtrate a treaty which was neither intended nor expected to ſucceed.

[29] Lockhart, 145.

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The duke of Hamilton moved, "that the union "ſhould no wiſe derogate from any fundamental "laws, ancient privileges, offices, rights, liberties, "or dignities of the nation." On former occaſions, the ſame reſolution had been invariably employed to prevent an union; but in popular aſſemblies it is the oſtenſible, rather than the real motives of parties that are diſcovered in their debates. The miniſters durſt not oppoſe the clauſe as inconſiſtent with an union, nor the oppoſition avow their deſign to obſtruct its ſucceſs. The former reſiſted the motion as expreſſive of an undue diſtruſt of the queen, inconſiſtent with thoſe ample powers which the Engliſh parliament had conferred on her commiſſioners. The latter maintained that ſome things were too ſacred to become the ſubject of a treaty; that the preſervation of their national independence was the more neceſſary, from the preſent influence of Engliſh councils, and ſhould neither offend the queen, from her abſence leſs acquainted with their conſtitution and intereſts, nor the Engliſh parliament, by whom the government of the church was expreſsly reſerved. The queſtion was deciſive of the intended union; but by the abſence of ſome, and the defection particularly of the old earl of Aberdeen, the motion was rejected by a majority of two votes. Another clauſe was propoſed by Athol, that the commiſſioners ſhould neither leave the kingdom nor engage in a treaty, till the acts declaring the Scots aliens, and their trade illicit, were repealed in England. The Jacobites expected that the obſtinacy of the Engliſh parliament might fruſtrate

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an union; and Fletcher, ever independent in his conduct, oppoſed the treaty as ignominious, unleſs thoſe hoſtile laws were previouſly repealed. But the motion was artfully evaded by an addreſs to the queen, to procure a repeal of the acts before the treaty was ſuffered to commence [30].

Of union with England.

The laſt hopes of the country party were placed in the choice of commiſſioners, which Hamilton, in the former ſeſſion, had neglected to ſecure. The queſtion was of the higheſt importance to the kingdom. If appointed by parliament, the commiſſioners might fruſtrate or retard an union; if ſelected by the queen, the intereſt of the country might be betrayed to England; and ſo ſenſible was the Engliſh parliament of this advantage, that the Scots, although they ſhould accede to an union, were to be reputed aliens unleſs the queen were entruſted with the choice of commiſſioners. When the members, wearied with the preceding debates, had begun to retire, Hamilton, acting in ſecret concert with Queenſberry, propoſed unexpectedly, at a late hour of the night, that the nomination of commiſſioners ſhould be referred to the queen. His motives were ſufficiently obvious to his friends. From the late frequent creations, a majority of the peers were devoted to the crown. Apprehenſive of being rejected by his own order, if the commiſſioners were choſen by their reſpective eſtates, he was content to ſacrifice the intereſts of his party to a fallacious aſſurance of obtaining a perſonal ſhare in the treaty, if the queen were empowered to appoint the commiſſioners. His party

[30] Lockhart, 154. Minutes of Parliament.

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were ſtruck with conſternation. Some abandoned the houſe in deſpair and rage, exclaiming that it was in vain to ſtay where they were deſerted and betrayed. Others retorted his own arguments, that to leave the nomination to the queen, what was it elſe than to ſurrender their country to the Engliſh cabinet, whom it enabled to appoint commiſſioners for both kingdoms, and to dictate their own terms to Scotland? The court party, inſtead of anſwering their arguments, perſiſted in a vote. From the abſence or defection of their members, the queen was empowered, by a ſlender majority of eight votes, to appoint commiſſioners for a treaty of union, with the reſervation of the government and worſhip of the eſtabliſhed church. Nothing remained for oppoſition but an unavailing proteſt; and Argyle returned, with the credit of having ſurmounted and broken the factions in parliament, by a prudent management, unexpected from his years [31].

State of the country.

It may be neceſſary, nor unacceptable, perhaps, at the preſent conjuncture, to give a ſhort explanation of the ſituation of the country, and the motives of ſtateſmen, previous to an incorporating union with England. The dependence of government on the Engliſh cabinet, however neceſſary or unavoidable, was a juſt complaint. The parliament, not unfrequently directed by its in-

[31] Lockhart. Clerk's Memoirs, MS. Cunningham's Hiſt. i. 425. From the proteſts of the country party, including the ſquadrone, it appears that they conſiſted of twenty-five peers, thirty-five barons, eighteen burgeſſes, who were preſent in the former vote.

fluence,

fluence, was never aſſembled except to grant ſupplies. The privy-council, however arbitrary, from the interpoſition of parliament had become comparatively mild, and was calculated to preſerve a decent appearance of civil authority and the public peace. The treaſury and exchequer were exhauſted under the management of rapacious ſtateſmen. Trade was too inconſiderable to furniſh a revenue adequate to the neceſſities of the ſtate. The exportation of wool had been prohibited, as injurious to thoſe coarſe and infant manufactures which were inſufficient for its conſumption; but was again permitted in oppoſition to England, as one of the principal articles of foreign trade. Linen, the next article of exportation, was diſcredited by frauds; the introduction of cattle and ſheep into England was conditionally prohibited; and the remaining articles of exportation were worſted ſtockings, a late manufacture, corn, hides, and the produce of the fiſheries and the mines. The ſhipping that appeared in the harbours were moſtly Dutch[32]. French wines, Dutch goods, flax, lintſeed, ſilk, and Engliſh cloths, were imported in return; but as theſe were moſtly articles of domeſtic conſumption, the ſcarcity of money was aſcribed to a ſmall annual

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[32] The ſhipping of Scotland is ſuppoſed to have increaſed from 215 veſſels or 14,485 tons, prior to the union, to 1123 ſhips or 50,232 tons before the year 1712. But the Scots, inſtead of employing Dutch ſhips as formerly, were obliged, by the navigation act, to procure ſhips of their own. The increaſe of ſhipping, otherwiſe incredible, argues no proportionable increaſe of their former trade. Chalmers's Eſtimate, 201. 8vo.

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loſs on the balance of trade. Law, the author of the Miſſiſſippi ſcheme, propoſed to remedy the ſuppoſed ſcarcity, by the inſtitution of a national bank, to iſſue notes, to an unlimited amount, for ſecurity on land; but the committee of trade, to whom it was referred by parliament, had the good ſenſe to reject a project which was afterwards introduced into France with the moſt pernicious effects. But the ſcarcity of money was an exaggerated complaint. Notwithſtanding the loſſes of the Darien company, the gold and ſilver in circulation amounted almoſt to a million ſterling; a ſum unequal, perhaps, to the viſionary ſchemes and demands of projectors, but ſufficient to employ whatever induſtry the nation poſſeſſed [33]. The decline of credit, and the improper application of the capital, were more ſeverely felt. The landlord generally aſpired to the peerage; the merchant who had acquired an inconſiderable capital, the pedlar who returned with a ſmall ſtock from abroad, haſtened to ſink their money in the purchaſe of lands; and their funds were invariably withdrawn from trade, or the ſupport of induſtry, as their ſons were educated either lawyers or divines [34]. But the ſcarcity of money was aſcribed

[33] Ruddiman's Pref. to Anderſon's Diplomata. Sir J. Clerk's Teſtamentary Mem. MS.; Obſervations on the State of Scotland before the Union, MS.

[34] Advantages of an Incorporating Union, 5. 12. Intereſt of Scotland, in three Eſſays, by Seton of Pitmeddan, p. 75. The Scotch pedlars in England were computed at 2500, whoſe packs of linen and lace were worth from one to two hundred pounds ſterling. Right of Succeſſion, 3. 37.

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to the want of a proper market for the produce of the country, which, if once admitted into the Engliſh colonies, might be exchanged for commodities fit for exportation, more beneficial than articles of mere conſumption. A commercial alliance, and a federal union with England, under ſeparate parliaments, like that of the Dutch ſtates or the Swiſs cantons, were impatiently ſolicited; and the ſettlement of the crown on the Houſe of Hanover was conſidered as an ample recompence for a communication of trade. From the former inſtability of their church, the preſbyterians were ſincerely attached to the proteſtant ſucceſſion; and the Jacobites alone, who had encreaſed conſiderably during the preſent reign, were averſe to an union, from the advantage which the whigs acquired in the ſettlement of the crown [35].

Motives of ſtateſmen.

But the nation was not more deſirous of a federal, than from the implied ſurrender of its legiſlature, revenues and ancient independence, averſe to an entire and incorporating union, to which the ſtateſmen in each kingdom extended their views. Godolphin, from whatever motives of policy or neceſſity, had procured the queen's aſſent to the act of ſecurity, which it was requiſite now to remove; and were we to believe his enemies, an union was propoſed to preſerve the prime miniſter of England from impeachment. His influence had failed to eſtabliſh the proteſtant ſucceſſion, which, even when adopted, would remain inſecure, while a ſeparate parliament on which the Jacobites might operate, exiſted in

Of Godolphin.

[35] Sir J. Clerk's Obſervations, MS.

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Scotland. An incorporating union comprehended the ſucceſſion, and would annex that kingdom to England for ever. From an obvious maxim, that one parliament was more eaſily managed than two, it was equally the intereſt of the Engliſh parliament to extend and perpetuate its influence in Scotland, and the policy of the miniſter to ſimplify the complicated operations of government. But the advantages of an incorporating union to England, were the additional empire, population, power, and above all, the internal and profound ſecurity which it promiſed amidſt external wars.

Of the whigs.

To the whigs it was recommended by nobler arguments; the danger which the liberties of each nation might incur, under an ambitious prince, from a divided ſtate; and the uniform policy of the Stewarts to render the one inſtrumental in enſlaving the other, was ſtill preſent to their minds. To the nation in general it was recommended as an adequate and neceſſary ſecurity for the proteſtant ſucceſſion, and a real acceſſion of territory and ſtrength. A fairer opportunity might never occur, to prevent the danger of future diſſentions, and a renewal of the deſtructive hoſtilities of former times. From the victorious career of the Engliſh arms, the war itſelf was propitious to an union; nor was the queen inſenſible to the glory of atchieving what the moſt illuſtrious of her predeceſſors had attempted in vain.

Propoſed advantages of an union to Scotland.

The ſame ſecurity was promiſed to each kingdom againſt a faction dangerous to its internal repoſe. The gradual approximation of the Scots, during the preceding century, towards the language and manners of the Engliſh, had already fitted

fitted and prepared them for an union; and although their eccleſiaſtical inſtitutions were different, eccleſiaſtical conformity was no longer the ſubject or the ſource of national ſolicitude and miſery; and religion itſelf had begun to be diſregarded for commercial purſuits. A free trade promiſed to relieve their poverty, and invigorate their induſtry; and if it were inſufficient to retain at home, the adventurers who ſtill continued to overſpread the continent, the Engliſh ſervice and plantations preſented a wide field for the moſt enterpriſing ambition. The admiſſion of the Scots to a free conſtitution, more nicely balanced and better than their own; endued with that venerable ſtability which time alone can confer on governments, might diſpel the factious turbulence of the nation; prevent the danger of relapſing into deſpotiſm, as in the preceding reigns; introduce a purer adminiſtration of juſtice; and diſſolve the rigours of the feudal ſyſtem, which ſtill prevailed. The immediate advantages of the union, however, were the introduction of their cattle and linen into the Engliſh market, free from impoſts, from which a capital might at length be accumulated for trade and the improvement of land. But a proportion of the ſtock and trade of England was vainly expected to migrate to the north, and eſtabliſh manufactures, emancipate the peaſant from his oppreſſive landlord, encreaſe the produce and the value of eſtates, and ſupplant the Dutch in the herring fiſhery, which a poor nation, whoſe inconſiderable capital requires an exuberant profit, is ſeldom able to proſecute with ſucceſs. Apprehenſive, perhaps, of the ſame conſequence, the removal of manufactures,

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factures, the Engliſh cabinet was determined never to admit the Scots to a commercial intercourſe, without an incorporating union in return; leſt the nation ſhould diſunite, and ſeparate from England, when enriched by its trade[35].

Real motives of its miniſters.

But whatever national advantages were propoſed or expected, to reſign the treaſury, honours, emoluments, and the entire adminiſtration of the kingdom for ever, was a ſacrifice hardly to be expected from the moſt diſintereſted, much leſs from the venal ſtateſmen whom Scotland produced. It is not ſolely from the oſtenſible benefits propoſed for their country that their motives are to be appretiated, but from the ſecret advantages procured for themſelves. Their ſtability was doubly dependent, firſt on the duration of parties in the Engliſh cabinet; then on the management of the Scottiſh parliament, which was always precarious, and not unfrequently productive of a change of adminiſtration. Queenſberry and his friends had been diſmiſſed from office; the earl of Stair was proſcribed by the public hatred. Wearied with the viciſſitude of parties, which each miniſter had alternately experienced, they expected greater ſtability from the Engliſh cabinet, when relieved by an incorporating union from their preſent dependence on the Scottiſh parliament. The whigs in England, with which Queenſberry was united, appeared to be firmly eſtabliſhed in power. If permitted to govern by means of the privy-council, without a parliament, whoſe

[35] Carſtairs's State Papers, 743. Eſſays at removing national prejudices, by De Foe. Letter on the reception of the Treaty of Union, by Sir J. Clerk.

control is odious to every adminiſtration, his authority might be equally prolonged with theirs. All oppoſition would be extinguiſhed with parliament [37]; and if the chief offices of ſtate were preſerved, whatever was loſt by his friends in the diſpoſal of honours, or in the management of an exhauſted treaſury, was of little value when compared with the vaſt proſpects that opened to their ambition in England. Inſtead of the paltry objects of domeſtic faction, they might expect a ſhare of the great prizes diſpenſed from the ſtate lottery of Engliſh politics, with a certainty proportioned to their means of ſucceſs. A profuſe diſtribution of titles, to create an intereſt in parliament, had ſunk and degraded the ancient nobility; but an hereditary or elective ſeat in the Engliſh parliament, was a diſtinguiſhed honour, to which few could aſpire. Whatever ſhare of repreſentation were acquired by Scotland, its members would form a diſtinct party, attached to its miniſter; and from the intereſt thus introduced into the Engliſh parliament, might perpetuate his credit with the Engliſh miniſter, and ſecure the moſt extenſive preferment to himſelf and his friends. An incorporating union was therefore embraced, not only to render their authority permanent at home, but with a more ambitious deſign, from the united intereſt of Scotland, to acquire a numerous party in the Engliſh parliament.

1705.

1706.

Such were the ſecret motives of Argyle and Queenſberry, to whom, in conjunction with Godolphin, the choice of commiſſioners was referred

Commiſſioners for the Union.

[37] Carſtairs, 738.

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ferred by the queen. But the conditional acts, declaring the Scots aliens, and prohibiting their trade with England, were firſt repealed. The marquis of Annandale proving refractory, was diſmiſſed from office, and replaced by Mar as ſecretary of ſtate; a nobleman zealous for the union and proteſtant ſucceſſion, but at a future period hoſtile to both. Thirty-one commiſſioners for each kingdom were then appointed to meet in London; but the ſubſequent treaty evinced, in the moſt important articles, that the Engliſh cabinet, in conſequence of the queen's nomination, was enabled to preſcribe its own terms to the Scots. Their commiſſioners were choſen with an artful intermixture of each party, that their concurrence in the union, which was previouſly ſecured, might abate the oppoſition of their friends in parliament [38].

Treaty begun.

When the commiſſioners met at the cockpit, the firſt propoſal was made by the Engliſh, that the two kingdoms ſhould be united into one, by the name of Great Britain, under the ſame legiſlature and line of ſucceſſion, according to an act paſſed in England for the limitation of the crowns. The Scots requeſted a ſhort delay; and from the preference of an incorporating to a federal union, the nobleſt, and apparently the moſt diſintereſted and ſpecious objects of public utility, coincided with the

[38] Burnet. Sir J. Clerk's Hiſt. MS; Obſervations on Lockhart, MS. Lockhart, the only profeſſed Jacobite, was named as lord Wharton's nephew, of whom there were ſome hopes. Cockburn of Ormiſton, Dundas of Arniſton, had belonged to the ſquadrone; Seton of Pitmeddan, and others, to the country party: but the duke of Hamilton was induſtriouſly excluded.

ſordid

ſordid ſchemes of a few ambitious ſtateſmen [39]. Senſible, however, that their nation, averſe to an incorporating union, was deſirous only of a communication of trade, they determined to make one overture, to convince the people that they did not acquieſce precipitately in whatever terms the Engliſh preſcribed. They propoſed that the ſame ſucceſſion ſhould be eſtabliſhed in both kingdoms, and that the ſubjects of each ſhould be admitted in the other to all the privileges and rights of natives, and to a free intercourſe, and full communication, of navigation and trade. But an intimation at the ſame time was given, that an incorporating union was not thereby rejected; and the Engliſh declined the conſideration of a propoſal obviouſly not intended to ſucceed. Among the Scottiſh commiſſioners ſome propoſed, in their private conſultations, to renew their demand at the next meeting; that if the Engliſh remained inflexible, they might recede, themſelves, with the leſs diſgrace. Whether to adopt a federal, or incorporating union was no part of the queſtion, but how to yield; and not to interrupt the treaty, it was determined that their concurrence ſhould no longer be deferred. Their aſſent to an entire, and incorporating union, under the ſame legiſlature and line of ſucceſſion, was attended, of courſe, with a reciprocal communication of the rights of citizens and a free trade [40].

An incorporating union preferred.

But an incorporating union required mutual contributions; a participation of commerce implied

Equalizing taxes.

[39] Sir J. Clerk's Hiſt. MS.; Letter on the reception of the Union.

[40] Sir J. Clerk's Hiſt. Journal of the Treaty, MS. Obſervations on Lockhart, p. 206. De Foe's Hiſt. 118.

equalizing

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equalizing taxes; otherwiſe there was ſome reaſon to apprehend, that the manufactures and trade of England might be transferred to the north. The ſubject in every reſpect was important and difficult. To ſubmit to the ſame impoſts with England was unavoidable; but there were ſome which the poverty or impatience of the Scots was unable to ſuſtain. When the finances of each ſtate were examined, their commiſſioners were aſtoniſhed at an immenſe, and increaſing debt of eighteen millions, which was deemed not leſs enormous then, than inſignificant at preſent, and little more than ſufficient to defray the annual intereſt of our national debt. They were conſoled, however, by the revenues of England, almoſt ſix millions, which promiſed, by the frugality of a few years of peace, to extinguiſh the national debt, however large its amount[41]. Their own revenues, which ſcarcely exceeded an hundred and ten or twenty thouſand pounds, conſiſted of ſix monthly aſſeſſments, or a land-tax of thirty-ſix thouſand pounds; ſixty-three thouſand pounds, for which the cuſtoms and exciſe were farmed; and the crown rents and incidents of a precarious amount. Theſe inconſiderable revenues were neither anticipated nor appropriated to the public debts; and might be expected to increaſe when the ſame taxes were impoſed as in England. But the Scottiſh parliament never would have ſubmitted to the ſame land-tax, which, as the valued and real rents of eſtates had varied much leſs than in England, ſince the uſurp-

Land-tax.

[41] Sir J. Clerk's Hiſt. MS. The funded debt amounted to 17,763,842 *l.* but with the unfunded debt it was ſuppoſed to exceed 20,000,000 *l.*

ation,

ation, would have more nearly amounted, at four shillings in the pound, to a fifth part of the actual rent[42]. A new valuation was acceptable to neither kingdom. A proportional equality was therefore adopted, according to the highest rates established in each. When the land-tax in England was at four shillings in the pound, the proportion fixed for Scotland, at the rate of two month's assessment for each shilling, was forty-eight thousand pounds, as the utmost ever granted in preceding reigns. In assenting to the same imposts, the Scottish commissioners applied, through every avenue, to obtain an exemption from the excise in ale. The English were tenacious of their general argument, that without equalizing taxes, the manufactures of a poor nation, where subsistence was of a cheap and inferior quality, would be produced at a cheaper rate, to the detriment of theirs. A distinction was discovered and reserved by the Scots, to relieve their ale from the English excise[43]; but they were careful to stipulate for an exemption from stamps, and the taxes on coals, windows, births, burials, and marriages, as oppressive or vexatious, that expired at fartherest within four years. The taxes on malt and salt, from which they demanded a perpetual exemption, excited the chief dispute. The former subsisted from year to year; the latter was to be suspended in Scotland for seven years; and they acquiesced in a temporary exemption from both, on the assurance that a British parliament could have no tempta-

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Excise.

[42] De Foe's Hist. 129. Essays at removing national prejudices, ii. p. 14.

[43] Clerk's Hist.

tion

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tion to impoſe on the kingdom when united, an unneceſſary, or oppreſſive burden which it was unable to ſuſtain [44]. But the cuſtoms and exciſe of England were partly anticipated, or appropriated for ſome years to the public creditor; and an equivalent was propoſed in money, for the application of the Scottiſh revenues to the national debt. As the ſame impoſts required the ſame laws with England, for the regulation of trade, a new court of exchequer was neceſſary for queſtions of revenue; but the courts of ſeſſion and juſticiary were preſerved entire. *Heritable* juriſdictions and offices were reſerved; and the privy-council, for which it was impoſſible directly to ſtipulate, was referred to the queen, to be continued till altered by the Britiſh parliament.

Repreſentation.

While the equivalent remained to be calculated, the Engliſh propoſed, as a full and adequate repreſentation, that thirty-eight members ſhould be returned from Scotland to the united parliament. The Scots entertained no hope that the Engliſh would conſent to diminiſh the number of their own repreſentatives; much leſs that the whole parliament of Scotland would be conjoined with theirs. But an ignominious propoſal to admit ſcarcely a fifth part of its repreſentatives to the Engliſh parliament, excited a loud and indignant burſt of ſurpriſe [45]. Four days were ſpent in private conſultations before a conference was demanded. Under the pretext of guarding againſt national animoſities, the treaty hitherto had been

[44] Clerk's Hiſt. De Foe's Hiſt. 137.

[45] Ingenti fremitu ac indignatione. Sir J. Clerk's Hiſt. Imperii Britannici, MS.

conducted

conducted in writing, to prevent public or free discussion; and the English apprehensive of mutual altercation, were still averse to a conference which it was impossible to decline. They maintained that some proportion was to be observed between the share of legislature and the burdens of government, but that the Scots, who were to contribute less than a fortieth part of the land tax, would obtain a thirteenth part of the representation in return. They were told that population, not wealth, was the basis of representation; that the Scots, whose contributions to government might be expected to increase, amounted at least to a sixth part of the inhabitants of Britain; but that regard should also be paid to their dignity, as an ancient nation proud of their independence, which they would never surrender to be degraded by a representation less than that of a single county in England[46]. Sixty-six members from Scotland, without any detriment to the English parliament, would have furnished an adequate representation for each county and county town. The commissioners were desirous of sixty, which they durst not,

[46] The population of England did not exceed six millions; that of Scotland, exaggerated by De Foe to two millions, was estimated by Seton of Pitmeddan at 800,000 before the Union. Three Essays. But the population of Scotland in 1755 amounted to 1,265,380. At present it is 1,526,692. A population of 800,000 at the union supposes an increase of 465,000 in fifty years; whereas, during forty years of far greater prosperity, the increase was only 261,000. At the union, therefore, the population of Scotland was probably a million, of which Fletcher supposes that two hundred thousand were common beggars; as if there was provender for such a number.

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from their ſervile apprehenſions of a refuſal, propoſe[47]. A greater proportion was abſolutely neceſſary, not merely to gratify the ambition of Scottiſh ſtateſmen, but to render the union leſs unacceptable to the Scottiſh parliament; nor was Godolphin indifferent, perhaps, to an acceſſion of members that ſtrengthened the influence poſſeſſed by the crown. Whatever latent jealouſy of the court was entertained by the whigs, it appears that lord Somers, the chief author of the plan of union, was careful not to admit a number from Scotland ſufficient to create a national faction in the Engliſh parliament. From a thirteenth its repreſentation was cautiouſly enlarged to a twelfth part of the united parliament, as a medium, perhaps, between the different proportions of population and ſupplies. To obviate every obſtruction to an union, the Engliſh propoſed that forty-five members ſhould be admitted, *and no more*, to the houſe of commons; and as the ſame proportion was neceſſary among the lords, that the quota for Scotland ſhould be ſixteen peers[48]. The Scottiſh commiſſioners, after three days ſpent in uſeleſs conſultation, received a private intimation that it was in vain to deliberate; that they muſt determine either to interrupt the treaty, perhaps for ever, or to ſubmit implicitly to the conditions preſcribed. Some propoſed to

[47] Sir J. Clerk's Journal of the Treaty, MS.

[48] The proportions ſeem to have been adjuſted thus:

Commoners,	513	Peers,	185
	45		16
	45)558(12		16)201(12
	8		9

refer

refer the ſhare of repreſentation to the eſtates; but Godolphin interpoſed to diſſuade a meaſure which might diſappoint the union; and as the queſtion remained entire for parliament, the commiſſioners were induced, by the authority of their ſtateſmen, not to fruſtrate the treaty by the refuſal of their aſſent [49].

Motives of the peers.

Above two thirds of the repreſentatives of Scotland were thus excluded; not above a tenth part of its nobility was admitted to parliament [50]: but it may be difficult to conceive by what arguments ſuch commiſſioners as were peers, were perſuaded to relinquiſh their hereditary ſeats, the moſt diſtinguiſhed privilege attached to their rank. The proſpect of an excluſive ſeat for ſixteen in the Britiſh parliament, might gratify the prime nobility, whom it promiſed to aggrandize in the ſame proportion that the reſt were degraded. The decayed nobility might reſt ſatisfied with the other privileges of Britiſh peers; of which an exemption from perſonal arreſt was not the leaſt conſiderable. But the commiſſioners were ſecretly aſſured that a temporary diſproportion would be removed by prerogative. Argyle's ſucceſs in the laſt ſeſſion of parliament was rewarded with an Engliſh peerage, both as an earneſt and example to others; and the commiſſioners who were peers, acquieſced in the queen's promiſe, confirmed by her miniſters, that they ſhould be advanced themſelves to the ſame dignity, to which the whole nobility of Scot-

[49] Sir J. Clerk's Hiſt.

[50] The Commons in the Scottiſh parliament were 160, the peers 145.

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land might be admitted in time. To avoid an invidious oppoſition to the court, the earls of Sutherland and Roſeberry, the moſt incredulous or obſtinate, were content to yield [51]; and when the commiſſioners forbore in their anſwers, to inſiſt for a larger proportion in either houſe, little doubt can be entertained that the intereſts of their country were commuted for objects advantageous to themſelves.

Equivalent.

But the ſucceſs of the union was expected from the proper application of the equivalent; the amount of which was computed at three hundred and ninety-eight thouſand pounds, to be paid by England, for the cuſtoms and exciſe of Scotland, in as far as theſe were appropriated towards the diſcharge of its national debt [52]. A capital was thus propoſed to be transferred to Scotland for the proſecution of trade. At the ſame time, nothing would be loſt to England, as the loan would be reſtored with intereſt, in fifteen years. The public debts, which conſiſted chiefly of arrears, were to be diſcharged by the equivalent; and the Darien ſtock, which had ſunk ſo low that it was conſidered as loſt, was to be repaid with intereſt,

[51] Sir J. Clerk's Hiſt.

[52] According to the application of the ſame duties in England, 22,874*l.* appropriated to annuities that expired in 1701, were eſtimated at 68,931*l.* The ſum of 21,823*l.* was appropriated to annuities for ninety-nine years, and, at fifteen years' purchaſe, eſtimated at 329,154*l.* The reſt of the cuſtoms and exciſe were applied proportionably with the Engliſh, to the civil liſt and national expence. Minutes of the Treaty. Eſſay on the 15th Article, by Sir J. Clerk.

and

and the company diſſolved. But the diſtribution of the equivalent among the diſcarded ſtateſmen, and families involved in the Darien company, was left undetermined, to create the greater expectation and influence in parliament[53]. The ſurplus was applied to reduce or reſtore the coin to the Engliſh ſtandard; the increaſe of the revenue from the additional duties introduced by an union, was beſtowed for ſeven years on fiſheries, manufactures, and other objects of national improvement. The ſame weights and meaſures were appointed, and the ſame ſeal for public tranſactions. The laws of Scotland, reſpecting public and private rights, were preſerved, with this difference, that the former might be reduced to an uniformity through the united kingdom, but the latter were to receive no alteration except for the evident utility of the ſubject. Religion was the only ſubject reſerved from the treaty; and when the conditions were digeſted into twenty-nine articles, for the conſideration of each parliament, the firſt of May, in the ſucceeding year, was the day prefixed for the commencement of the union.

Queenſberry high commiſſioner.

The articles were kept a profound ſecret, to prevent oppoſition; and to ſecure the approbation of the Scottiſh parliament, we may believe that every preparation was made[54]. The military, as well as the civil eſtabliſhment, was rendered ſubſervient to parliamentary intereſt; but the chief

[53] De Foe's Hiſt. 153—80. Darien ſtock ſold even after the treaty at 10 *per Cent.*

[54] See NOTE VI.

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reliance was placed in Queenſberry the commiſſioner's influence and addreſs. His diſpoſition and manners were mild, affable, and inſinuating; peculiarly adapted to conciliate adherents; and if incapable of ſteady application to buſineſs, he was prudent, cool, enterpriſing, and reſolute; careleſs or rather laviſh of money, and expert in all the arts and intrigues of court. His poſſeſſions were extenſive, and his connexions numerous and powerful in either kingdom. A long reſidence at the Engliſh court had eradicated his national attachment to Scotland; and he was inſtigated both by ambition and reſentment, to perpetuate his own power by an union, and extinguiſh the hopes of the Jacobites, and the intereſt of the country party, by whom he had been formerly deſerted and diſplaced. By the intervention of Mar, he procured a ſecret intercourſe with the duke of Hamilton, whom he knew how to diſſuade, or intimidate, from the moſt important deſigns. But the balance in parliament was retained by the Squadrone, on whom the ſucceſs of the union depended; and the ſtrongeſt proof of his talents and addreſs is the ſupport which he derived from a hoſtile party, recently ſupplanted in power, who deteſted and were impatient to ſupplant him in return [55].

Public apprehenſions and ſuſpenſe.

While the articles were induſtriouſly concealed, the nation remained in a ſtate of ſilent expectation; not averſe to a federal union, yet ſuſpicious of a treaty which the commiſſioners were afraid or aſhamed to divulge. The Jacobites alone were

[55] Sir J. Clerk's Hiſt. MS.; Notes on Lockhart.

alarmed

alarmed at the ſettlement of the crown. It is not ſufficient to affirm that their meaſures had miſcarried: every meaſure which they adopted, had contributed, by a ſtrange fatality, to counteract their deſigns. The outcry excited at the loſs of Darien had terminated in the act of ſecurity, which rendered an union equally neceſſary and acceptable to England. The ſettlement of the crown under every limitation, was deferred till a commercial treaty were obtained with England; and thus they were acceſſary themſelves to the introduction of a treaty productive of an union, and of the proteſtant ſucceſſion which it was meant to retard. In the preſent extremity they implored the aid of the French court; but its finances were reduced ſo low by the recent victories of the allies at Ramillies and Turin, that no ſupplies could be ſpared to ſupport an inconſiderable party in Scotland [56].

October 13. Seſſion of parliament.

Such were the apprehenſions and ſuſpenſe of the nation, when, in October, the concluding ſeſſion of its laſt parliament was held. The advantages of an entire union were recommended by the queen, whoſe letter was enforced, as uſual, by the commiſſioner's ſpeech. When the treaty was produced and read, the parliament adjourned for a few days till the articles were printed. But the treaty was no ſooner publiſhed, than the paſſions and apprehenſions of the people, ſoothed and retained ſo long in a ſtate of painful ſuſpenſe, burſt into an univerſal outcry againſt the union, which excited nothing but diſapprobation and undiſguiſed diſguſt.

Alarm at the union.

[56] Sir J. Clerk's Notes on Lockhart, 297.

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Innumerable pamphlets and letters of exhortation diffuſed the agitation of the capital to the remoteſt corners; but it is in vain to aſcribe to theſe treatiſes, or to the arts of a clamorous faction, the univerſal indignation which the union produced. The preſbyterians trembled for the ſafety of their church, from the influence of prelates in the Engliſh parliament; the epiſcopal party deſpaired of reſtoring theirs, if the preſbyterian church were confirmed by an union; the poor were apprehenſive of an exciſe on the neceſſaries of life; the merchants, of Engliſh impoſts equivalent to a prohibition of their preſent trade. All ranks and diſtinctions were alarmed at the ſurrender of the independence and ſovereignty of an ancient kingdom; and in the moſt oppoſite parties and deſcriptions of men, national pride and patriotiſm, the paſſions that cling to the heart, and attach us the cloſeſt to the pooreſt country, were roufed and agitated by thoſe ſhadowy rights. So ſtrong and irreſiſtible were theſe paſſions, that if a few, wearied of the viciſſitudes of faction, or allured by the proſpect of repoſe and proſperity, eſcaped their influence, a vaſt majority of the people was viſibly averſe to an incorporating union, which multitudes ruſhed to the capital to oppoſe: others, too remote, or unable to attend, prepared addreſſes againſt an union; nor was a meaſure the moſt beneficial to Scotland expected to ſucceed, in oppoſition to the united voice and ſenſe of the people [57].

Notwith-

[57] De Foe, 219. Sir J. Clerk's Hiſt. MS. Notes on Lockhart, 215. De Foe was employed in Scotland by Godolphin or Harley,

1706. Articles of union examined.

Notwithſtanding the unpopular reception of the treaty, the articles were again read, and deliberately conſidered, when the parliament was reſumed. A ſhort delay was propoſed by the oppoſition, to conſult their conſtituents, without whoſe conſent, they affirmed that the parliament had no authority to innovate, much leſs to overturn, or, like their private, patrimonial fortunes, to diſpoſe of a conſtitution which they were created to preſerve. A new parliament, ſummoned for the purpoſe, was the conſtitutional and proper teſt of the public opinion; not a parliament which had ſubſiſted ſo long; whoſe members, choſen originally with no view towards an union, had become obnoxious to ſuſpicion, from the diſtribution of places, penſions, preferments, and bribes. If not a new parliament, they concluded that the approbation of their conſtituents ſhould at leaſt be conſulted, to render the union acceptable to the nation, or honourable to themſelves. But in repreſentative aſſemblies, the reſponſibility or obligation of the members to obſerve the inſtructions of their conſtituents, is an odious doctrine. It was ſufficient to aſſert the ſupreme authority of a parliament ſummoned originally to promote an union; and on a diviſion, the oppoſition were deſerted by their own friends. A majority of ſixty-four determined to proceed, without delay, to the conſideration of the treaty;

Harley, as a ſpy on the miniſtry during the union. It was uſual, it ſeems, for the Engliſh miniſters to employ a ſpy upon the conduct of the Scottiſh ſtateſmen in parliament. Tindal, iii. 49.

but

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but without a vote, till the articles were ſeparately examined and diſcuſſed. The impatient multitudes by whom the houſe was beſieged, and the ſtreets and adjacent buildings filled and crowded, conceived that the firſt article was rejected ſince the vote was deferred, and their acclamations expreſſed the moſt lively and immoderate joy. When their miſtake was diſcovered, they inſulted the commiſſioner with execrations and threats, on his return to the palace; conducted the popular orators, nightly, in triumph to their homes; and at length, exaſperated at their late provoſt, one of the commiſſioners for a treaty, attacked his houſe with all the fury which his ſuppoſed treachery inſpired. His eſcape diſappointed their vengeance. Their rage and numbers increaſed as they ranged the ſtreets in queſt of the treaters, and nothing was wanting but a reſolute leader, or ſufficient concert, to overturn both the parliament and the union together. The opportunity was not omitted to introduce the army into the city, to prevent the inſults of an enraged populace; and the country party proteſted in vain, that the eſtates, ſurrounded with guards, were overawed by the preſence of a military force [58].

Tumults.

When the capital became outrageous, the commiſſioner and chancellor were inclined to adjourn the parliament, from the lowering diſcontent of the whole kingdom; and the union would have been loſt had it depended on them. But the men by

[58] Sir J. Clerk's Hiſt. MS.

whom they were chiefly inſtigated, were not to be deterred from a great though unpopular deſign. Lord Stair exhorted them not to adjourn. Godolphin urged them to perſevere in an union; aſſured them of troops to their aſſiſtance from England, Ireland, or, if neceſſary, from Flanders [59]; and the nation, from the determined violence of the contending parties, appeared to be rapidly verging to arms. Numerous addreſſes, from all parts of the kingdom, againſt an union, were daily preſented, and diſregarded by parliament. But when the parliament proceeded, on the four firſt articles, to determine whether the two kingdoms ſhould be united into one, with the ſame privileges, and under the ſame legiſlature and line of ſucceſſion eſtabliſhed in England; not only the arguments of each party, but that daring eloquence, and thoſe fierce animoſities and paſſions, were exhibited in its debates, which, whenever the conſtitution is lodged in a ſingle aſſembly, may procure or prevent the moſt important reſolves, by contagious ſympathy, clamorous importunity, force, or ſurpriſe [60].

Debates on the four firſt articles.

The court party that began the debate, repreſented the neceſſity and importance of an union between two kindred, and contiguous nations, ſeated in the ſame iſland, ſprung from the ſame

Arguments for an union.

[59] Burnet, v. 323. Cunningham, ii. 57.

[60] Sir John Clerk heſitates whether to detail the debates, nam ſtrepitum non linguarum, ſed quaſi armorum audire videor; ex iris et odiis, jurgiis, motibuſque animorum, belli civilis potius quam ſenatoriæ tranſactionis, narratio mihi conſtituenda videtur. Hiſt. MS.

original

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original, of the ſame language, religion, inſtitutions, and manners; placed already under the ſame ſovereign, and adapted by nature to form the ſame undivided ſtate. On the firſt acceſſion of their monarchs to the throne of England, every national and domeſtic bleſſing was expected from an event that gave a common ſovereign to the two kingdoms, formerly harraſſed and exhauſted by mutual wars and inceſſant bloodſhed. If Scotland has ſince declined, or continued ſtationary, miſerable, and dependent on England, to what can it be imputed but to the unavoidable aſcendency acquired by a jealous, more powerful nation over the ſovereign, for which there is no cure but an incorporating union? No friend to his country could deſire the renewal of former hoſtilities; or if it were poſſible to reſiſt the victorious progreſs of the Engliſh arms, no communication nor benefit of trade could be expected from a commercial alliance with the French or Dutch. The neceſſity of a more intimate alliance is acknowledged, when an imperfect union, under the ſame ſovereign, has proved inſufficient to prevent mutual diſcontent. Ever ſince the union of the crowns, the independence of the country has been overruled, it is ſaid, by the predominating influence of the Engliſh cabinet. The experience of a whole century demonſtrates, therefore, that without an incorporating union, the intereſts of Scotland will ſtill continue to be rendered ſubſervient to England. A federal alliance, under different parliaments, may be diſſolved by either, on ſome dangerous novelty, ſuggeſted

geſted by ſelfiſh or ambitious individuals prone to innovation; or interrupted on every queſtion of public right, reſpecting foreign treaties, commercial regulations, mutual contributions, peace or war. Were the determination of theſe queſtions to be veſted in a council choſen by the two nations, ſtill the Scots could expect no more than a repreſentation proportioned to their population and ſupplies. But the council, under whatever name it were eſtabliſhed, would ſoon acquire the ſupreme authority of the Britiſh ſenate; while the parliament of each nation muſt either be annihilated, or eclipſed and reduced to a ſubordinate aſſembly of provincial eſtates. Nothing, therefore, remains for Scotland, to obliterate at once its dependence and miſery, but an incorporating union under the ſame government, and a free acceſs to the ſame privileges, conſtitution, and trade with England. Nothing elſe is ſecure and permanent; nor would the Engliſh aſſent, on other terms, to a communication of trade. The federal union of Calmar was productive of eternal diſcord between the Danes and Swedes; the alliance with Spain was diſſolved by Portugal; but the different provinces of France, the kingdoms of Spain, the heptarchy of England, and above all the two indigenous races ſtill ſubſiſting diſtinct in Scotland, are examples of nations happily united, and incorporated for ever into the ſame ſtate. What then can prevent the preſent union, but the ideal ſovereignty and independence of Scotland, which we are unable to preſerve? Let us rather aſſociate our independence with that of England, for the preſervation of both; like

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like a chaſte and prudent virgin, apprehenſive of her own weakneſs, who accepts an illuſtrious alliance, and preſerves the honour and identity of her perſon under another name. Thus the glory and trade of England becomes equally ours; and the induſtry of the country will increaſe and flouriſh with the arts of peace. Are we apprehenſive of additional taxes? An equivalent is offered, to enable us to ſuſtain whatever duties are impoſed in England. Is our repreſentation diminiſhed? The Engliſh conſtitution is alſo impaired; for the maſter who admits a new inmate to a ſhare in the management and command of his houſehold, retains no longer the entire adminiſtration of his domeſtic affairs. But a Britiſh parliament can have no object diſtinct from the common intereſt; and the two nations may repoſe, ſecure and happy, under the ſame legiſlature, while religion, liberty, and the proteſtant ſucceſſion, together with the proteſtant intereſt through Europe, will be preſerved by their union.

Arguments againſt it.

The country party, reſuming their former argument, maintained that there were certain fundamentals in government which the legiſlature had no authority to ſubvert or infringe. Whatever were the tenure by which their ſeats were held, whether created by the crown or by their conſtituents, they poſſeſſed nothing more than a delegated power that originated from the people; a diſcretionary and ſacred truſt, ſtrictly limited to the exerciſe and preſervation of the conſtitution which the people had eſtabliſhed, or to which they conſented to ſubmit. Without their expreſs conſent, the

the parliament could neither annihilate, nor transfer its legiſlative power to another, much leſs in oppoſition to their declared will. That the voice and ſenſe of the people were adverſe to an incorporating union, could admit of no diſpute. Innumerable petitions were preſented againſt it; not a ſingle addreſs had appeared in its favour: but if the parliament, whoſe dignity it was treaſon to diminiſh, ſhould alienate a truſt which it was created to execute, what reſult could be expected from an union to which the whole nation appeared irreconcileable. Inſtead of peace, repoſe, and proſperity, what but mutual animoſity, diſtraction, diſcord, future rebellion, and eternal diſcontent! Will the ſuppoſed benefits of commercial intercourſe, ſooth or conſole the nation for the legiſlative power of which it is thus defrauded and deſpoiled? Stock, credit, and ſkill, are neither created nor tranſplanted by treaties, but are the ſlow and laborious acquiſition of time. The exportation of rude produce muſt procure the firſt capital for the improvement of induſtry and ſkill. But the produce of the country will be diverted from the European, and reſtrained to the Engliſh market. The exportation of wool muſt be prohibited, and its manufacture diſcouraged, to ſupply the monopoly of the Engliſh ſtaple: but before the acquiſition of ſkill and induſtry, what benefit can reſult to our infant manufactures, from a privilege to compete with Engliſh manufactures, in the Engliſh market? Our trade at preſent is ſmall, yet improvable; exempt from reſtriction. But if we prefer a ſingle cuſtomer to the reſt of Europe, will the benefit of a plantation trade, of which

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which the returns are circuitous, remote, and uncertain, compenſate the quick returns and rapid circulation of a trade nearer home? The ſpirit of commercial enterpriſe, ſo lately excited, requires the foſtering care and protection of parliament; inſtead of which it is ſubjected to the accumulated debts, and cruſhed in its infancy beneath the oppreſſive taxes, of a foreign legiſlature, invidious, or indifferent at leaſt, to its ſucceſs. Can the poor endure an enormous exciſe, or the taxes on ſalt and malt, which are ſuſpended inſidiouſly till the nation is better inured to the yoke? Are the rich aware of the future growth of the public debt, and the increaſe of taxes, from wars in which the nation has no ſhare nor concern? But an equivalent is offered, to ſerve at once as a fund for taxes, and a capital for trade. An equivalent for ſubmitting to the debts of England, muſt be repaid with intereſt in a few years: but this ſtrange equivalent is advanced for the arrears and loſſes of a few individuals, not to the nation at large, on whoſe poſterity the debts are entailed for ever. An immenſe bribe is thus offered, which the nation muſt refund; and the chartered rights of its trading companies, to preſerve the excluſive trade of the Engliſh, muſt be purchaſed up at its own expence. But what equivalent is given for the removal of the ſeat of government, the ſurrender of the parliament, national independence, and conſtitutional rights? A ſlight addition is made to the Engliſh parliament, equivalent to a ſingle creation of peers, and the repreſentation of a ſingle county in the houſe of commons. But in Scotland, every

eſtate

eſtate in parliament, every county and corporation is disfranchiſed. The inherent birthright of the nobility is forfeited, to create a mongrel ſpecies of elective peers: and inſtead of meeting on equal terms, the nation, from the extreme diſproportion of repreſentatives, after the privileges which it ſurrenders, is reduced to depend, like a conquered province, on the generoſity, good faith, or diſcretion of an Engliſh parliament, for the rights which it reſerves. If a diſpute ſhould occur reſpecting its religion, laws, or the privileges of its peerage, will the Engliſh prove more obſervant of the articles of union than a Scottiſh parliament of its own conſtitution and fundamental laws? Or, in a queſtion reſpecting their own rights, can the Engliſh expect that the repreſentatives from Scotland will be more tenacious of the conſtitution to which they are admitted, than of the one which they have deſtroyed? It will then be found, from their dependence on the court, that their number is ſufficient to corrupt the rights of the Engliſh, not to preſerve their own. But for thoſe by whom the nation is betrayed and ſold, to affirm that its independence and ſovereignty are ideal rights, which it is unable to preſerve, what is it but to convert their own crimes and corruption into reaſons of ſtate? Independence and ſovereignty are of little value in themſelves; but it is the ſenſe of national independence in which the energy and free ſpirit of a people, and all that is great and patriotic, reſide. Let us eſtabliſh, ſaid the marquis of Anandale, the ſame ſucceſſion with England; let our crown be annexed to hers, and our treaties,

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alliances, and wars, be the ſame: but let us preſerve and improve our conſtitution and parliament; nor, for dangerous, at leaſt precarious innovations, reſign our independence, without which the ſpirit of a nation becomes poor and languid, ſunk and degraded even in its own eſteem [61].

Lord Belhaven's ſpeech.

Methinks I ſee a free and independent kingdom, ſaid the patriotic lord Belhaven, delivering up the great object of diſpute among nations, for which the world has ever been fighting, and all Europe is at preſent engaged in war; the power to manage their own affairs without aſſiſtance or control. I ſee the preſent peers of Scotland, whoſe anceſtors have exacted tribute through England, walking like Engliſh attorneys in the court of requeſts; while at home, a petty Engliſh exciſeman ſhall receive more homage and reſpect than were ever paid to the greateſt of their progenitors. I ſee the eſtates of barons, the bold aſſerters of our liberties in the worſt of times, ſetting a watch upon their lips, and a guard upon their tongues, to avoid the penalties of unknown laws; and the burrows, walking through their deſolate ſtreets, drooping under diſappointments, and wormed out of the branches of their former trade. I ſee the honeſt and induſtrious tradeſman, loaded with new taxes and impoſitions, diſappointed of the equivalent, eating his ſaltleſs pottage, and drinking water inſtead of ale. I ſee the incurable difficulties of the landed gentry, fettered with the golden chain of equivalents; their daughters petitioning for

[61] Sir J. Clerk's Hiſt. Lockhart. De Foe, paſſim. Pamphlets on the Union.

want of huſbands, their ſons for want of employment. But above all, I ſee our ancient mother Caledonia, like Cæſar, ſitting in the midſt of our ſenate, looking mournfully around, covering herſelf with her royal garment, and breathing out her laſt words, *And thou too, my ſon!* while ſhe attends the fatal blow from our hands. Patricide is worſe than parricide; to offer violence to our country is worſe than to our parents. But ſhall we, whoſe predeceſſors have founded and tranſmitted our monarchy and its laws entire, to us a free and independent kingdom, ſhall we be ſilent when our country is in danger, or betray what our progenitors ſo dearly purchaſed? The Engliſh are a great and glorious nation. Their armies are every where victorious; their navy is the terror of Europe; their commerce encircles, and their capital has become the emporium of the whole earth. But we are obſcure, poor, and deſpiſed, though once a nation of better account; ſituate in a remote corner of the world, without alliances, and without a name. What then can prevent us from burying our animoſities, and uniting cordially together, ſince our very exiſtence as a nation is at ſtake? The enemy is already at our gates! Hannibal is within our gates! Hannibal is at the foot of the throne, which he will ſoon demoliſh, ſeize upon theſe regalia, and diſmiſs us never to return to this houſe again! Where are the Douglaſes, the Grahams, the Campbells, our peers and chieftains, who vindicated by their ſwords, from the uſurpation of the Engliſh Edwards, the independence of their country,

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which their ſons are about to forfeit by a ſingle vote? I ſee the Engliſh conſtitution remaining firm: the ſame houſes of parliament; the ſame taxes, cuſtoms, and exciſe; the ſame trading companies, laws, and judicatures; whilſt ours are either ſubjected to new regulations, or annihilated for ever. And for what? that we may be admitted to the honour of paying their old, and preſenting a few witneſſes to atteſt the new debts they are pleaſed to contract! Good God! is this an entire ſurrender? My heart burſts with indignation and grief, at the triumph which the Engliſh will obtain to-day, over a fierce and warlike nation, that has ſtruggled to maintain its independence ſo long! But if England ſhould offer us our own conditions, never will I conſent to the ſurrender of our ſovereignty; without which, unleſs the contracting parties remain independent, there is no ſecurity different from his who ſtipulates for the preſervation of his property when he becomes a ſlave.

An union approved.

The ſublime and pathetic eloquence of Belhaven was exerted in vain. Fletcher remarked, that the honour and intereſt of the country had been betrayed by the commiſſioners; and when an explanation was demanded, acknowledged that the expreſſion was harſh, but true; that treachery was the only epithet he could find for their conduct. Inſuperable difficulties were urged as a reaſon that no better terms could be obtained from England; to which the duke of Hamilton indignantly replied, that the ſituation of the Scots, on the ſame iſland with the Engliſh, might have furniſhed their commiſſioners

missioners with the most decisive argument for better terms. A profound silence ensued, at an argument not less invidious than just [62]; but when the question was demanded, it was determined, by a majority of thirty-three votes, that the two kingdoms should be united into one, under the same legislature and line of succession established in England.

Secret motives and corruption of members.

There are few princes who, from a sincere distaste of royalty, and the cares of government, have descended from the throne: but the voluntary consent of a numerous senate to resign its legislative functions for ever, is an event unexampled, perhaps, in the history of mankind. Whatever force or conviction the arguments on either side may possess, we may truly affirm that these are rather the apologies than the motives for the conduct of parties. Man is naturally prone to faction, and tenacious of power, which, in popular assemblies, nothing less than personal interest or fear can surmount. The secret history of the intrigues and corruption that produced the union, has either been lost or industriously suppressed [63]; and at this

[62] Hist. of Queen Anne, down to the Union, p. 476. Lond. 1707. Boyer's Annals, v. 348.

[63] Lord Somers's Manuscripts, containing a copious collection of papers relative to the union, were mostly destroyed by a fire in Lincoln's Inn. Lord Seafield had made a large collection of state papers and letters, from the revolution to the union, which, with his memoirs of his own times, were consumed in his house adjacent to the Abbey, several years after the union took place. Lord Mar's Papers respecting the union and rebellion in 1715 were mostly destroyed.

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distance of time is imperfectly understood. From the frequent creation of peers in the present reign, a numerous faction was introduced into parliament, devoted indisputably to the court from which their hereditary seats were derived. A large majority of the nobility supported the union, from which their dignity suffered the chief diminution; and as the other estates were more equally divided, the parliament, from a radical defect in its constitution, was subverted by the assemblage of peers and commons in the same house. But the equivalent was the golden bait, the distribution of which, among those whose integrity might have resisted a bribe, created the same expectation and dependence as a contract or loan. Above fourscore members were considered either as dependents on the court, or influenced by honourable and lucrative places, the assurance of preferment, or the contingent payment of arrears and the public debts[64]. The country party was equally numerous. In a parliament so nicely balanced, the success of the union depended on the Squadrone, whose connexion with the English whigs was renewed; and when Montrose was appointed president of council, they endeavoured to recommend themselves to the court, on the assurance or hopes of being restored to power. Their attachment to the protestant succession was undisputed; their resentment at the country party, by whom they were once deserted, was the same with the commissioners': but in the preceding session they had promoted the settlement

[64] See Some queries relative to the intended union.

of

of the crown, in oppoſition to an union; and although ſomething muſt be aſcribed to patriotiſm, and the farce of argument, yet their ſudden converſion cannot be imputed altogether to the moſt diſintereſted conviction. Twenty thouſand pounds were tranſmitted from the Engliſh treaſury, of which a large proportion was diſtributed among nineteen peers and eight commoners, under the name of arrears[65]. Among thoſe peers were Marchmont, Montroſe, Roxburgh, and Tweedale, the leaders of the Squadrone, who maintained a guarded ſilence till their acceſſion to the court party, on the firſt diviſion, determined the union.

Oppoſition of the clergy, and an act for the ſecurity of the church.

The religion of each nation was reſerved; but the commiſſion of aſſembly recommended a national faſt to the preſbyteries, and an addreſs to parliament to provide for the unalterable ſettlement and ſecurity of the preſbyterian church. The clergy in general averſe to the union, were alarmed at the danger of ſubjecting the nation to the oaths, and the church to the innovations of an Engliſh parliament, wherein twenty-ſix prelates ſat as conſtituent members. They exclaimed from the pulpit, at the approaching defection from the national covenant, in which the civil authority of churchmen was prohibited, and the nation, inſtead of acknowledging the hierarchy, was required to concur in proſecuting the reformation of England. But the violence of the commiſſion was over-ruled, at firſt, by the preſence of the court party as ruling elders; and reſtrained by Wiſhart the moderator,

[65] See NOTE VII.

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and Carſtairs who had retired from the management of the ſtate to eccleſiaſtical affairs. On the arrival of the country clergy, a more violent addreſs was preſented againſt the dangers to which preſbytery was expoſed by an union; and to evade their importunate demands, the parliament prepared an act for the ſecurity of the church. The preſbyterian form of government, and the Weſtminſter confeſſion of faith, were declared unalterable; the nation was exempted from whatever oaths, ſubſcriptions, or teſts, were inconſiſtent with either; and the confirmation of both was inſerted as a fundamental article in the treaty of union. An alternative was propoſed, that the Scots ſhould either be relieved in England from the ſacramental teſts, or that a formula ſhould be preſcribed in Scotland, as a ſimilar ſecurity for the national church; otherwiſe the Engliſh would ſoon be admitted, without a teſt, to the exchequer and revenue, the moſt numerous or important offices that remained. The equity and importance of the motion were acknowledged; but it was rejected, as the Engliſh would never conſent to relinquiſh their teſts. The act of ſecurity gave little ſatisfaction; but the clergy were content to temporize, as they might forfeit the ſupport of the court party, and had no protection to expect were the Jacobites to prevail. On the departure of the country clergy, the commiſſion relapſed into its former moderation. The violence of the preſbyteries was reſtrained, or their petitions intercepted by circular letters from Carſtairs, which were artfully calculated to repreſent the commiſſion as indifferent, or not averſe to an union; but the Engliſh miniſters in vain ſolicited the

the approbation of the church, which that ſubtle politician was unable to procure[66].

1706. Succeeding articles approved.

The ſucceeding articles, reſpecting trade, taxation, juriſdiction and laws, received little alteration. Bounties in the exportation of grain were extended to bear and oatmeal, the chief produce as yet of the country. Drawbacks were allowed on the exportation of beef, pork, and herrings preſerved with foreign ſalt. The taxes on ſalt and malt, and the exciſe on ale, the moſt oppreſſive to the nation, excited the loudeſt diſcontent. The exciſe on ale was reduced to a medium between ſtrong and ſmall beer, as the Scots drank French wines inſtead of the former, and their *twopenny* ale ſcarcely exceeded the latter in ſtrength. A perpetual exemption was demanded from the duties on ſalt and malt; but the court party were ſuſpicious of whatever might tend, in the Engliſh parliament, to fruſtrate the union, or obſtruct its ſucceſs. The heavieſt of the duties on ſalt were removed from the nation. The malt-tax was ſuſpended during the war; nor was it imagined then, that a recent duty, to which the Engliſh ſubmitted reluctantly from year to year, would be prolonged on a peace. An argument equally fallacious was employed to reconcile the parliament to the Engliſh cuſtoms; that the greater part expired in four years, when the cuſtoms of Scotland would be reduced to a lower rate than at preſent[67]; nor was it conſidered that a tax, even of the ſhorteſt duration, to which the nation has once ſubmitted, ſeldom fails to become perpetual.

[66] Carſtairs, 1754—8. Lockhart. Clerk's MS. De Foe. Boyer.

[67] Clerk's Hiſt. MS. De Foe, 410.

While

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1706. Tumults.

While each article was ſucceſſively diſputed and confirmed in parliament, the increaſing ferment of the nation threatened to convert the union into an internal war. Notwithſtanding the preſence of the military, the commiſſioner was frequently inſulted, and his life endangered by the enraged multitude. At Glaſgow, the imprudent oppoſition of the magiſtrates to an addreſs againſt the union incenſed the populace, who ſeized and, for ſome days, retained poſſeſſion of the town. In the weſtern counties the Cameronians and peaſants, whoſe averſion to an union was inflamed by fanaticiſm, held frequent nocturnal meetings; and a numerous body appearing in arms at Dumfries, burnt the articles, and affixed a declaration againſt the union to the market croſs. At length they aſſembled openly, under the act of ſecurity, to embody themſelves into regiments, to appoint their officers, to provide horſes and arms, and to conſult on meaſures for diſſolving the parliament; which nothing but the inceſſant rains, and the inclemency of the winter ſeaſon, had hitherto preſerved [68]. Cuningham, an old and experienced officer in whom they confided, was ſent to inform the popular leaders that when matters were properly concerted, they were ready to march to Edinburgh, to diſperſe a wretched parliament, whoſe members had ſold the honour and intereſt of their country, and forfeited all right to determine either for their conſtituents or themſelves. The ſame offers were made from Perth and Angus. The duke of Athol, whoſe influence in the highlands

Inſurrections projected,

[68] Lockhart, 218. with Clerk's Notes.

was

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was extenſive, undertook to ſecure Stirling, and preſerve the communication between the weſt and north. The preſbyterians were about to take arms with the Jacobites, and, if we may believe their authors, to declare for their king. Nothing leſs than a civil war could be expected from an union, to which two thirds of the nation were confeſſedly averſe, or rather, which was proſecuted by the court and its adherents alone. But, at this critical and deciſive moment, Cuningham, terrified at the danger, and allured by a reward for the diſcovery of the enterprize, betrayed their deſigns to Queenſberry, by whom he was inſtructed to return, and ſooth or diſſuade his confederates in the weſt. He aſſured them in his progreſs through the weſtern counties, that there was neither fidelity nor reſolution among their aſſociates in Edinburgh, who had promiſed but refuſed to furniſh aſſiſtance or ſupplies; and that they ſhould conſider well before they engaged, without aid, in ſuch a deſperate attempt. Whether apprized of his treachery, or averſe to arms, Hamilton, who held nightly conſultations with Queenſberry in the palace, where both reſided, diſpatched private expreſſes through the country, requiring the people to deſiſt for a time; and, inſtead of ſeven thouſand engaged in the enterpriſe, not above five hundred aſſembled, whom Cuningham eaſily perſuaded to diſperſe [69]. The act of ſecurity was immediately ſuſpended,

And prevented by Hamilton.

[69] Lockhart, 278. Hook's Negociations, 10. 12. Ker of Kerſland, in his Memoirs, claims and was ſuſpected (Macpherſon's

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suſpended, as far as it authoriſed the people to muſter and appear in arms.

National addreſs.

When each meaſure to diſperſe the parliament was thus diſconcerted, a more moderate and unexceptionable plan was propoſed by Fletcher, that the freeholders of every deſcription ſhould be invited to town, to attend, and, in a body, to conjure the commiſſioner to relinquiſh the union, or at leaſt to conſent to a ſhort receſs, till the ſentiments of the nation were repreſented to the queen. A national addreſs was prepared; to be circulated on his refuſal, univerſally ſubſcribed, and tranſmitted to the queen, requeſting a new parliament and aſſembly, as the only means to avert the miſeries of a compulſive union. Five hundred gentlemen, moſtly Jacobites, repaired to town: the earl of Panmure's brother was appointed their prolocutor; but the meaſure was again diſappointed by Hamilton. On the day preceding the national addreſs, he required a clauſe to be inſerted, expreſſive of their deſire to entail the crown on the Houſe of Hanover, without which he aſſerted that the tories in the Engliſh parliament could have no pretext to oppoſe an union. A demand to which the bulk of the Jacobites could never aſſent, produced an unexpected delay. A proclamation againſt illegal convocations was iſſued; and the country gentlemen, wearied with attendance, and diſguſted at their leaders, returned to their homes. Hamilton's opponents were perſuaded that he had received

Dec. 27.

pherſon's Orig. Pap. ii. 548—53.) of the ſame meritorious infamy.

ſecret

ſecret inſtructions from St. Germains, rather to promote the proteſtant ſucceſſion, which might be retrieved in time, than ſubmit to an union, which would unite the two kingdoms in ſupport of the Houſe of Hanover, and exclude the Stewarts for ever from the crown[70]. When the parliament arrived at the twenty-ſecond article, the repreſentation for Scotland, he aſſembled and exhorted the leading Jacobites not to revert to the paſt; repreſented that the Marquis of Anandale, as no time was to be loſt, ſhould renew his motion to eſtabliſh the ſame ſucceſſion with England; and propoſed that the country party ſhould enter a ſolemn proteſtation on its refuſal, ſecede for ever from the houſe, and reſume their national addreſs to the queen. The ſeceſſion of the ſame party had deſtroyed the credit of the former parliament. The Engliſh would heſitate to accede to an union, againſt which a large proportion of parliament had expreſſed their ſolemn diſſent, and a viſible majority of the nation appealed to the crown. Had the meaſure been duly executed, we are aſſured that the commiſſioner and his friends were prepared to adjourn the parliament, and deſiſt from an union to which the general averſion of the people could no longer be concealed[71]. The day was fixed for the proteſtation. A detailed and high

[70] Sir J. Clerk's Hiſt. MS.

[71] Clerk's Notes upon Lockhart, 294. 325; wherein he aſſents in fact to Lockhart's information from Seafield, that the miniſtry would have abandoned the union in the event of a national addreſs.

ſpirited

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ſpirited addreſs was prepared. On the preceding evening, Hamilton, at a ſecret interview with Queenſberry, was informed that to him alone the miſcarriage of the union would be imputed by the queen, whoſe favour, amidſt all the mazes of oppoſition, he was unwilling to forfeit; and his terms were adjuſted with the court that night [72]. Next morning he was afflicted with the tooth-ach. When compelled by the ſevere animadverſions of his friends to attend the houſe, he ſhrunk unexpectedly from his own proteſt. Neither their remonſtrances, entreaties, nor aſſurance of ſupport, could perſuade him to incur the diſpleaſure of the court; and the parliament, during their mutual altercations, had advanced ſo far that the opportunity was loſt. The repreſentation of Scotland was approved; and the country party, enraged and ſtung with vexation and ſhame at the reiterated treachery of their perfidious leader, abandoned all concert, and in a few days deſerted the Houſe in deſpair [74].

Twice diſappointed by Hamilton's treachery.

The remaining articles were adopted almoſt without oppoſition. To gratify the decayed nobility, protection from perſonal arreſt was ſecured among other privileges of the Britiſh peerage. The *regalia* were carefully reſerved, as the emblems of departed ſovereignty, to be depoſited in the caſtle, to ſooth and appeaſe the apprehenſions of the people. The diſtribution and choice of repreſentatives were

Remaining articles ratified,

[72] Lockhart, 326; confirmed by Sir J. Clerk. Hooke's Negociations, xii.

[73] See NOTE VIII.

deferred,

deferred, and the articles of union were ratified with the act for the ſecurity of the church, and tranſmitted to the queen. By this artful management, the Engliſh cabinet, having firſt dictated to the commiſſioners the conditions of the treaty, permitted the Scottiſh parliament to preſcribe apparently to the Engliſh, the terms on which it choſe to ſubmit to an union.

1707. And tranſmitted to England.

When the articles were communicated to the Engliſh parliament, the tories were diſpoſed to reſiſt the progreſs of the union, which a ſingle amendment was ſufficient to obſtruct. A ſingular device was employed to preclude alteration, or even debate. The articles, as ratified in Scotland, and an act paſſed for the ſecurity of the church of England, were recited in the preamble of the bill, and confirmed by a ſingle enacting clauſe. As the tories could neither diſpute the preamble, as a recital of facts, nor oppoſe the enacting clauſe with ſucceſs, the union was carried without an amendment, through the Commons, by ſurpriſe. The debates were more ſolemn, and the articles more fully diſcuſſed, among the lords. An acceſſion of ſixty-one members from Scotland, lords and commons, to be returned by means of its privy-council, was magnified as diſproportionate to its ſhare of taxes, and dangerous to the conſtitution and church of England; with whoſe privileges they were unworthy to be entruſted who had betrayed their own. The union was compared to a marriage contracted without the woman's conſent; and ſeverely reprobated, as conducted in Scotland by compulſion

Debates in the Engliſh parliament.

BOOK XI. 1707.

compulsion without doors, and corruption within. The whigs, inverting their own arguments at the treaty, depreciated the representation of Scotland in each house, as too inconsiderable to affect the constitution or the church; and maintained that the real danger to which either was exposed, was a popish successor in the interest of France: that England was peculiarly vulnerable from the vicinity of the Scots to its collieries, which would require an immense force, in the event of the war, for the protection of the Tyne; that if Scotland were even reduced by force, an union, or a standing army, of which the danger was obvious, would still be necessary to preserve its obedience; and that an object so vast and important as the union of the whole island, could never be accomplished without some minute inconveniences unworthy of regard. The articles of union were approved by a large majority, confirmed by the royal assent, and returned, exemplified, to the Scottish parliament, to commence, according to the treaty, on the first of May. But the union was no sooner contracted than it was almost infringed. From the prospect of a free trade, a large importation of wines and brandy was expected in Scotland; and large quantities of tobacco began to be sent thither, to obtain a drawback on its exportation from England. The loudest outcries were raised by the merchants, a race that screams at imaginary dangers; and the Commons interposed at their request, to prevent the importation of those articles from Scotland, free from duties, when the union commenced.

Where the union is approved and exemplified.

menced. But the lords rejected the bill, as a manifeſt violation of the free intercourſe ſtipulated for trade [75].

Diſtribution.

In the mean while the Scottiſh parliament had proceeded to the diſtribution and choice of repreſentatives. The miniſters and prime nobility were diſpoſed to appropriate the repreſentation of the peerage to ancient families, in order to ſecure an excluſive, if not an hereditary ſeat to themſelves. In oppoſition to this ſcheme, a rotation was propoſed; but as each party confided in its ſtrength for ſucceſs, an election was preferred, and a ballot, to ſecure the nobility from corrupt influence, was rejected as diſhonourable. Thirty members were allotted to the counties, fifteen to the boroughs; of whom a ſingle member was conferred on the metropolis. The reſt were diſtributed among fourteen diſtricts, or boroughs claſſed according to their vicinity, who continued each to elect a commiſſioner; but the functions of theſe commiſſioners, by a double election, were reduced to the choice of a member for each diſtrict, to the Britiſh parliament. The larger counties obtained each a member, the leſſer ſhires an alternate election: and the diſtribution was made with ſuch haſte and injuſtice, that Caithneſs, inſtead of being incorporated with Sutherland, which it exceeded in value, was conjoined with the diminutive ſhire of Bute [76]. But the parliament was ſuppreſſed

[75] Burnet, v. 327. De Foe. Boyer, &c.

[76] Clerk's Hiſt. MS. The earl of Sunderland was a commiſſioner for the treaty of union, and as the electors in that county were moſtly his own vaſſals, they procured a ſeparate repreſentative

BOOK XI.

1707. And choice of repreſentatives by the eſtates of Scotland.

ſuppreſſed to violate every principle of government and of public faith, when it aſſumed to itſelf the nomination of repreſentatives, in defiance of the articles of union ſo recently framed. If not entitled to a new parliament, to confirm the union contracted by the preſent, the people, it was ſaid, while indulged with repreſentatives, could never, without a contradiction in terms, be deprived of the rights of election, under whatever conſtitution they were placed. But the miniſters were deſirous to ſecure the returns; and after ſubverting the conſtitution, the parliament was afraid to entruſt the people with the choice of their own repreſentatives. As the queen was empowered by an article of union to declare the lords and commons of the Engliſh, conſtituent members of the Britiſh parliament, the pretext was ſeized by the eſtates to appoint repreſentatives; although the ſame articles provided that a writ ſhould be iſſued to the privy council for elections in Scotland. Sixteen peers and forty-five commoners were accordingly choſen by their reſpective eſtates. Notwithſtanding his ſolicitation and intrigues, Hamilton was induſtriouſly excluded by his own order. From the influence of the court, and the reſentment of oppoſition, few of the Squadrone were included in the nomination [77]. The reſt devoted to the miniſters, furniſhed an unfavourable ſpecimen of the future independence of Scottiſh members in the Britiſh parliament.

tative for themſelves. The earl of Morton, another commiſſioner, obtained a grant of the crown lands and rents in the Orkneys.

[77] Not above three peers and fifteen commoners.

Nothing

Nothing but the diſpoſal of the equivalent remained. Thirty thouſand pounds were allotted to the commiſſioners for the laſt, and the preceding treaty; and at this ample remuneration, the people indignantly exclaimed, that the motives of their conceſſions, and the price of their votes were no longer concealed. Two hundred and thirty thouſand pounds were appropriated to the Darien company; but the management and diſtribution of the equivalent were referred to commiſſioners to be appointed by the queen. The adminiſtration was thus enabled to fulfil its promiſes and the expectations of its friends, by a partial diſtribution, or the allotment of large ſums under the deſignation of public debts[78]. Private grants became more numerous as the parliament haſtened towards a concluſion. At the approaching loſs of the national legiſlature, ſuch viſible dejection and deſpair prevailed, that when the exemplification of the union arrived from England, inſtead of a ſolemn diſſolution ſuitable to the event, the parliament of Scotland, not to aggravate the public ſorrow, was ſilently adjourned for a few weeks, but it was diſſolved for ever[79].

1707. Diſpoſal of the equivalent.

Parliament adjourned for ever.

The nobility moſt inſtrumental to an union, haſtened to earn their rewards at court. The duke

Commencement and recep-

[78] Id. Minutes of Parliament.

[79] Clerk's Hiſt. MS. "Seafield the chancellor's obſervation "on adjourning the parliament was, *There is an end of an auld "fang*, to his immortal memory and honour."—A Short Hiſtory of the Revolution in Scotland, in a Letter to a Friend at London, 1712.

BOOK XI.

1707. tion of the union in England.

of Queenſberry, whoſe life was frequently endangered in Scotland, was received and eſcorted through England with the reſpect and honour due to his ſucceſs. The patronage of Scotland was placed in his hands. He was gratified afterwards with a penſion, and advanced ſucceſſively to the firſt rank of the Britiſh peerage, and the office of third ſecretary of ſtate, with Scotland for his department. Mar and Seafield were rewarded with penſions, and admitted, with other peers, to the privy-council. Montroſe and Roxburgh were created Scottiſh dukes, as if ambitious of the laſt honours of an expiring ſtate. A public thankſgiving was proclaimed through England; and a ſolemn proceſſion was made by the queen to St. Paul's church, on the firſt of May, when the union commenced. Addreſſes from all parts of England were preſented to the queen, on the ſucceſs of an union which her predeceſſors, for a century paſt, had attempted in vain; and the public joy ſeemed to receive no abatement, except from an apprehenſion that it might appear immoderate or invidious to the Scots [80]. But a ſullen and inflexible ſilence was obſerved in Scotland, expreſſive of deep, undiſguiſed diſcontent. No addreſſes were tranſmitted to court; no acclamations nor public rejoicings attended the union; nor durſt the queen enjoin the obſervance of the thankſgiving, which might have been contemned as an inſult, or converted into a day of ſolemn faſting, tribulation, and

In Scotland.

[80] Carſtairs, 760. Cunningham, ii. 79. Boyer's Annals.

prayer.

prayer[81]. The equivalent was received amidſt the execrations of the people, as the price of their independence; the merchandiſe exported to England was ſeized, and their trade ſuſpended by new regulations, as if to exaſperate their diſcontent. An influx of Engliſh revenue officers overſpread the country, till then unacquainted with the oppreſſive laws of revenue; and their ſevere exactions perpetually incenſed and admoniſhed the people that they were no longer an independent nation. The jacobites rejoiced at the public diſcontent, as conducive to the ſpeedy recall of their king. Inſtead of the union, the pretender's birth-day was publicly celebrated; and the preſbyterians ſeemed to have no choice, unleſs to become a province either of England or France[82]. We may conceive, but it is impoſſible to deſcribe the anguiſh of Fletcher, Belhaven, and the ſincerer patriots, attached to no family or line of ſucceſſion, but to the independence of their country, which they prized above the proſperity of the Britiſh empire. Wherever the independence of a nation has been ſubverted by conqueſt, the brave may obtain the mournful conſolation that its fall was glorious; the good, that no virtue nor prudence was omitted for its preſervation. But they beheld their country ſubjected, by the corruption of its own repreſentatives, to a foreign yoke; the people deprived of all intereſt or ſhare in the conſtitution; the genius of Scotland bound and delivered up to the Engliſh

[81] Carſtairs, 761.

[82] Burnet, v. 359. De Foe, 589. Lockhart's Memoirs.

BOOK XI. 1707.

government, and themſelves deprived, by their perfidious leader, of a juſt and timely recourſe to arms. Hamilton himſelf, whoſe conſummate addreſs had united the moſt oppoſite factions ſo long, had the mortification to find that he was ſhunned and ſuſpected by every party; and the bitter reflection, that while deceiving others he was duped and deceived by his own intrigues, produced a ſevere illneſs that endangered his life.

Union completed,

The union was not yet complete, unleſs the ſame government were eſtabliſhed in the united kingdoms, with the ſame laws againſt ſtate crimes. The motives of the Scottiſh ſtateſmen in acceding to an union, to govern by means of the privy council exempt from the oppoſition of the country party, or the control of parliament, have been ſufficiently explained. A new commiſſion was iſſued for the privy council, excluding ſuch as oppoſed the union. A ſubordinate, yet diſtinct adminiſtration, was delegated by Godolphin, and engroſſed by Queenſberry, Seafield, Mar, and others; through whom alone acceſs was obtained to the queen. Twenty-five members, moſtly their own creatures, were appointed commiſſioners to diſtribute the equivalent according to their inſtructions; and as the writs were directed, and the returns made to the privy council, the management of elections, and the nomination of repreſentatives to both houſes, were placed in their hands. They promiſed Godolphin the moſt unreſerved ſupport; but the Squadrone party applied to the whigs, to diſſolve the adminiſtration of the privy council from which they

they were excluded themſelves [83]. The ſituation of Scotland would have been infinitely worſe than before the union, if an inſtitution were preſerved which was at once a court of juſtice and a council of ſtate, wherein policy muſt ever predominate over the laws. While the legiſlature remained entire its oppreſſion was reſtrained, but if a diſtinct adminiſtration were permitted to ſubſiſt, there was no power in the nation to procure the redreſs of grievances from the Britiſh parliament; the complaints and applications of the people would have been intercepted; and to ſuppreſs their murmurs, the privy council muſt have ſoon degenerated into the tyranny practiſed in former reigns [84]. From the ſame diſintereſted and enlightened views which produced the union, the abrogation of the privy council was concerted by lord Somers, with the principal whigs. A bill was introduced *to render the union more entire and complete.* The ſame privy council was propoſed for the whole iſland; the returns of elections were to be transferred to the ſheriffs; and, to ſupply the juriſdiction of the Scottiſh council, juſtices of peace, an inſtitution often attempted but never introduced, were ordained to be appointed, and the juſticiary court to make regular circuits twice a year. The adminiſtration oppoſed the bill, againſt which the Scottiſh ſtateſmen endeavoured to excite a clamour at home; but there the public diſcontent at the union was gratified by every diſappointment which they

By the diſſolution of the privy-council.

[83] Cunnigham, ii. 71. 79.

[84] Hardwick's State Papers, ii. 473. Burnet, v. 300—78.

BOOK XI. 1708.

ſuſtained [85]. At that diſtance from the ſeat of government, they maintained that the diſaffection of the highlanders and principal families, incenſed at an union, required the vigilant inſpection of the privy council; but their deſign was obvious, to retain the nation in a miſerable dependence on themſelves and the crown. The averſion to the union was expected to ſubſide the ſooner, if every national diſtinction were obliterated. An amendment to prolong the duration of the privy council till October, was rejected, as a device to ſecure the approaching elections for a new parliament; and the firſt of May was prefixed for its diſſolution, that the anniverſary of the union might introduce the ſame government through the whole iſland. So variouſly are our feelings modified and affected by perſonal intereſt, that the loſs of a venerable inſtitution was deplored by thoſe who had ſacrificed the conſtitution and independence of their country without a pang of regret [86]. The concluding labours of the privy council were uſefully employed in recalling and altering the denomination of the coin; when it was diſcovered, from the ſilver brought to the mint, that the ſpecies in circulation was little leſs than a million ſterling [87].

And the introduction

It was from a ſingular train of events, and after an obſtinate ſtruggle, that the ſame laws were inſtituted againſt ſtate crimes. The importunities of

[85] Letters from the earl of Mar to his Brother, MS. in the Archives of the Family.

[86] Letters from the earl of Marr to his Brother, MS.

[87] Ruddiman's Preface to Anderſon's Diplomata Scotiæ. Sir J. Clerk's MSS.

the

the Jacobites, and the apparent discontent of Scotland, aroused the attention of the French court. A naval expedition was prepared at Dunkirk; but its destination was prematurely discovered by the pretender's arrival; and at the prospect of an invasion, England unaccustomed, from its insular situation, to a war on the frontiers, was filled with alarm. A fleet was fitted out with the utmost dispatch; but the French squadron escaped from Dunkirk, and was prevented only by overshooting the Forth in the dark, from landing the pretender, with five thousand regular forces, at a juncture the most favourable for a descent on Scotland which has since occurred. Not above two thousand five hundred troops remained in the country, natives deeply imbued with the national discontent. The national fortresses were entrusted to persons of doubtful fidelity, and the equivalent was lodged in Edinburgh castle, which was unprovided for defence. No care had been taken to appease the nation, exasperated at the union; and the presbyterians, the only support of government since the revolution, were rather disposed to promote than resist the invasion. The northern nobility, Gordon, Athol, Errol, Panmure, and others, had engaged to take arms; but the French, on regaining the Forth, descried the approach of the English fleet, and, with the loss of a single ship, escaped its pursuit. The prisons were immediately crowded with suspected persons of all ranks; among whom Belhaven, Fletcher, and the principal opponents of the union were included. As the authority of the privy council was about to expire, the prisoners were ordered,

BOOK XI. 1708.

ordered, for examination, to London; and the proſtrate nation was unneceſſarily inſulted with an afflicting ſpectacle, of its nobility, gentry, and moſt diſtinguiſhed patriots, led in oſtentatious triumph to the Engliſh capital. Hamilton, who had retired to England to avoid the inſurrection, was alſo arreſted; but by an opportune negociation with the whigs, to ſupport the Sqradroné party at the approaching elections, procured his own releaſe and the diſcharge of his friends. Belhaven had already ſurvived his country; but at this unworthy treatment, the generous patriot expired of grief and indignation as ſoon as he was releaſed. A few gentlemen who had appeared in arms, were remanded to Scotland, to be tried and condemned for treaſon; but by the connivance of Stewart, the queen's advocate, who neglected to furniſh a liſt of witneſſes, which the judges, equally diſſatisfied with government, deemed indiſpenſable, they were unexpectedly abſolved by the juſticiary court [88].

Of the Engliſh treaſon law. 1709.

Their acquittal diſappointed and enraged the miniſters; and in the ſucceeding parliament a bill was introduced *for improving* the union of the two kingdoms, by extending to Scotland the Engliſh laws againſt high treaſon, and miſpriſion of treaſon. The Scottiſh members were unanimous in their oppoſition to the firſt attempts to reduce their country under the laws of England; and maintained that the bill was deroga-

[88] Lockhart, 383. Cunningham, ii. 159. Burnet, vi. 6. Boyer. The removal of the priſoners to England was falſely aſcribed to the earl of Mar, whom the queen, in a confidential letter to to that nobleman, exculpates from the imputation. Mar's Papers, MS.

tory,

tory, not only to their public, but their private rights which the union had reſerved. When the laws of each nation were examined, the public diſcovered, with ſurpriſe, that the mode of trial for treaſon was more favourable to the accuſed, and the puniſhment far more lenient in Scotland. Till the preceding reign the culprit was deprived in England of a copy of his indictment, a liſt of jurors, and the aid of counſel to plead in his defence; which are ſtill denied in inferior crimes. Peremptory challenges were refuſed in Scotland; but the priſoner was entitled to counſel, a copy of his indictment, and a liſt not only of jurors but witneſſes, fifteen days before his trial began. Marriage ſettlements, entails, and the claims of creditors, were excepted from forfeiture; corruption of blood, as the conſequence of attainder, was never incurred unleſs inflicted by the legiſlature [89]; and the former iniquitous trials in Scotland appeared indiſputably to proceed from the accumulation of ſtatutory treaſons, and the arbitrary or corrupt practices of the juſticiary court. But the Scots diſcovered, when it was too late, that their repreſentation was inadequate, in either houſe, to the preſervation of their public or private rights. A vote to ſubſtitute the Engliſh treaſon laws for thoſe of Scotland, was paſſed in oppoſition to their whole repreſentatives. A few clauſes were inſerted for the ſecurity of marriage ſettlements and entails; but the Scottiſh peers in vain demanded, that the witneſſes, as well as jurors, ſhould be notified to the

[89] Stair's Inſtitutes, 441.

BOOK XI. 1709.

priſoner before he was arraigned. Burnet, biſhop of Sarum, humanely propoſed to aboliſh forfeiture and corruption of blood, nor diſinherit the innocent offspring for their father's crimes. As theſe popular amendments were reſumed by the commons, the peers agreed to ſuſpend their effects till the pretender's death, in the artful expectation that the conſequences of attainder might be rendered perpetual by a ſucceeding parliament, as they were afterwards prolonged during the lives of his ſons[90]. Under the ſame government, the ſame laws were eſtabliſhed through Britain againſt ſtate crimes. The Scots obtained the repeal of tortures, already diſuſed, and a preciſe rule for the determination of treaſons; while the laws of England, by the notification of the witneſſes' names, have been improved from theirs. But the introduction of foreign laws was odious to the nation; and the nobility attainted under the ſucceeding reign, ſtill ſuffer in their poſterity from penalties formerly unknown in Scotland.

Thus, above a century after the acceſſion, when the crowns were united in James VI. the union of the kingdoms was finally accompliſhed, under the laſt ſovereign of the houſe of Stewart. Henceforth a new ſeries of events began. The ſtruggles of contending factions were removed. New objects of ambition were preſented to the ſtateſman, who engaged in a lottery, of which the prizes were richer, but far more precarious; and when the legiſlature and ſeat of government were transferred

[90] Blackſtone, iv. 384.

to

1709. General review of the principles

to the Engliſh capital, the hiſtory of Scotland expired with its conſtitution.

When we review the principles, in order to trace the conſequences, of this memorable tranſaction to the preſent times, the union muſt be claſſed among thoſe great, political innovations in which motives, perhaps, of a juſt expedience, have ſuperſeded the doctrines of abſtract right. The addition of a few members to the Engliſh parliament, neither impaired the conſtitution, nor deprived the nation of a ſingle repreſentative. But the eſtates of Scotland, in oppoſition to the acknowledged voice and ſenſe of the nation, had undoubtedly no more right, abſtractly conſidered, to transfer their derivative, fiduciary powers to another parliament, than to deprive the people of the choice of their own repreſentatives, or to ſurrender their legiſlative functions for ever to the crown. The ſubſequent acquieſcence, or rather the virtual conſent of the people, has ſanctioned a tranſaction to which three fourths of the nation were originally adverſe; and it may be truly affirmed that an event of ſuch national importance and magnitude, ſo widely beneficial to future times, was never yet accompliſhed entirely by the pureſt means, nor without ſome violence to the freedom of popular conſent. But the union, if defective as a queſtion of abſtract right, had in point of political expediency become indiſpenſible. Two nations under different legiſlatures, when united merely by a common allegiance to the ſame ſovereign, are held together by the moſt ſlender ties. The connexion may be diſſolved by either, on the ſudden reſentment of a capricious legiſlature,

BOOK XI.

1709.

legiſlature, unleſs the one has acquired a compulſive, or corrupt aſcendency over the counſels of the other, to inſure its uniform concurrence in public affairs. The Scottiſh parliament therefore, whenever it aſſerted its own independency, muſt have either been ſecured by immenſe bribes, annihilated by an union, or reduced by force. The firſt expedient is always precarious, and muſt have ſometimes failed. Nothing leſs than an union, in the event of a diſputed ſucceſſion, which appeared inevitable, could have preſerved the nation from becoming either an eaſy conqueſt, or a field of future contention and bloodſhed between England and France; and the loſs of a corrupt and factious parliament, next to that of its excluſive government, was the greateſt bleſſing which Scotland could obtain. The union, confirmed ſince by the national conſent, has acquired, from political expedience, a ſure foundation which no Scotſman would propoſe to diſſolve; and leaves poſterity little to regret, but that the views of the whigs were not more enlarged. Inſtead of being ſtrictly limited to the exigencies of the times, had their ſcheme of an incorporating union comprehended the American colonies and Ireland, the former might have ſtill been preſerved, and the latter reclaimed from its original barbariſm; and the repreſentatives of both, introduced with the Scots, into the Engliſh parliament, might have ſecured, inſtead of endangering, its conſtitutional balance, and conſolidated the ſtrength of the Britiſh empire.

But

1713. And conſequences of the union.

But the union at firſt gave ſuch little ſatisfaction, that before ſix years had elapſed, the ſame party by whom it was contracted, propoſed to diſſolve it, from the real or imaginary injuries which the nation had ſuſtained. The duke of Queenſberry had acquired an Engliſh or Britiſh title and ſeat in parliament, but from a laudable jealouſy of the influence of the crown, was deprived of a vote in the election of the ſixteen peers for Scotland. When the tories, during the laſt years of queen Ann, had engroſſed the excluſive poſſeſſion of power, the duke of Hamilton was created a Britiſh peer; but the houſe of lords, where the influence of the whigs predominated, oppoſed his patent as repugnant to the union, and rejected his claim to an hereditary ſeat. Sixteen of the Scottiſh peers were admitted, by *virtue of that treaty*, to ſit and vote in the Engliſh parliament; but they appealed in vain to the fallacious promiſes of the Engliſh commiſſioners, who durſt not deny that the clauſe was purpoſely inſerted to capacitate, not to diſqualify them for additional honours, by creation or deſcent. The tories procured a ſucceſſion of acts againſt the preſbyterian church; and the ſixteen peers were induced at laſt to intermingle their private grievances with the public diſcontent. The malt tax, from which the Scots had obtained an exemption during the war, was extended to the whole iſland on the return of peace. But the tax was ſtill appropriated to the deficiencies incurred by the war; and the Scots complained that it was unequal from the inferior quality of their barley, and an oppreſſive impoſition which the

BOOK XI. 1713.

the poverty of their country was unable to ſuſtain. Their peers concurred with their commoners to to diſſolve the union; the whigs with the Jacobites to reſcue their country from the Engliſh yoke. The earl of Seafield, on a day appointed to conſider the ſtate of the nation, enumerated the various grievances which the Scots endured; that their privy council was firſt aboliſhed; that the Engliſh laws againſt high treaſon were then introduced, and their own repealed; that their peers were ſtigmatiſed as the only perſons declared incapable of acquiring honours; that inſtead of being relieved from the burdens of war, their country was oppreſſed by a more intolerable tax on the return of peace; and concluded with a motion to diſſolve the union, from which, inſtead of the expected benefits, ſuch evils were incurred. The motion was ſeconded by Mar, Argyle, and the Scottiſh peers, and ſupported by moſt of the Engliſh whigs; but oppoſed by the tories, who concurred with Harley to preſerve an union of which they ſtill diſapproved. They affirmed that the Scots had no reaſon to complain of the malt-tax, which was ſuſpended only during the war; and maintained that the union could not now be diſſolved, as the two parliaments by whom it was contracted had ceaſed to exiſt. The Scots aſſerted that they had acquieſced in a ſolemn aſſurance, inſerted in the treaty, that the united parliament never would impoſe an unequal tax beyond the abilities of their nation to ſuſtain; that theirs was not half, nor above a third of the value of Engliſh malt, but the

the disproportion of the tax was above two thirds; and that the powers of the two parliaments to treat or contract, were consolidated in the present, to whom it was equally competent to dissolve an union, which, instead of the advantages promised and expected, was productive only of new grievances, instead of national concord, of additional animosities and mutual discontent. The whigs professed that they were ready to dissolve an union productive of such unforeseen inconveniences, if the protestant succession were previously secured [91]; but amidst the ostensible arguments of contending parties, their real motives are not always revealed. Though still averse to an union, the tories were certainly not attached to the house of Hanover; and an obscure plan to restore the hereditary line was disappointed, according to the Jacobites, by the untimely death of the duke of Hamilton, killed in a duel; whom the queen had appointed ambassador to France, from a design, it is said, to introduce her brother the pretender into Scotland, with some Irish regiments in the French service, to promote his eventual succession to the English throne. The whigs, apprehensive of similar designs, appear to have listened to the assurances of the Scots, that the protestant succession should be more firmly secured if the union were dissolved. From the separation of the two kingdoms, their friends might obtain an ascendant, and open an asylum for themselves in Scotland, with the interest

[91] Boyer's Political Transactions, 1712—13, and History. Burnet.

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or assistance of Hanover, to counteract the secret designs of the court. But the tories were equally afraid, lest their adversaries should acquire the direction or support of that kingdom if once disunited; and parties were so nearly balanced, that, by the defection of Mar and Loudon, the motion to dissolve the union was rejected only by four votes [92].

The two rebellions. 1715.

The unhappy consequences predicted at the union, seemed to be verified by the two rebellions in which the nation was involved; but the first must be ascribed to the impolitic violence of the whigs themselves. A severe proscription from office was begun by the tories in the last years of queen Ann; and instead of attempting to reconcile their adversaries to the new government, the whigs transcribed and improved the example, with little intermission, during the two succeeding reigns. Not satisfied with the removal of the former ministers, they demanded their heads; and their persecution converted the tories into Jacobites, and filled the nation with tumult and discontent. Mar, the secretary of state for Scotland, who professed an early allegiance, was sincerely disposed to acquiesce in the succession of the house of Hanover, and procured a loyal address from the highland clans; but the contumelious refusal of his overtures, and of their submission, the impeachment of Oxford and Strafford, the attainder and exile of Ormond and Bolingbroke, reduced him to

[92] Sir John Clerk's Memoirs, MS. Macpherson's Orig. Papers, ii. 388.

despair.

deſpair [93]. On repairing to the highlands he was joined by ten thouſand diſguſted at the union, or attached to the hereditary deſcent of the crown [94]. Their inſurrection, happily for Scotland, was ſuppreſſed, with an inferior force, by Argyle their countryman, who, after a doubtful victory, ſpared and permitted the clans to diſperſe. But the new government was actuated by revenge proportioned to its ſenſe of danger; and after two reigns of

[93] Tranſact. of the Antiq. Society Edin. vol. i. p. 562. The family account of Lord Mar's conduct, to which I have adhered, is confirmed by his confidential letters to his brother lord Grange, expreſſive of the utmoſt ſolicitude to preſerve the tranquillity of Scotland on the queen's death. On the king's arrival at Greenwich, he attended to preſent the highland addreſs which lord Grange had prepared; but was informed that it would not be received, as his majeſty was well aſſured that it was manufactured at St. Germains. Concluding his ruin determined, he ſcrupled no longer to accede to the terms offered by the pretender's agent.

[94] Sir John Clerk repreſents the Scots as already ſo ſenſible of the benefits of the union, "that the pretender, in 1715, was "obliged to alter that part of his proclamation which promiſed "to repeal the union; and to expreſs his intention of leaving "it to the determination of a free parliament." Sir John, in all his writings, naturally graſps at whatever was favourable to the union, to which he confeſſes that three fourths of the nation were hoſtile at the time. Teſtamentary Mem. MS. That his information in this inſtance was defective, appears from the pretender's declaration, publiſhed after his arrival, and never recalled: "That he came to relieve his "ſubjects of Scotland from the hardſhips they groan under from "the late unhappy union, and to reſtore the kingdom to its "ancient free and happy ſtate." Boyer's Polit. State, x. 613. Nothing but the danger of a rebellion deterred the preſbyterians, on the acceſſion of George I. from concurring with the Jacobites in a national addreſs to diſſolve the union. Id. ix.

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unexampled lenity, the nobility ſuffered from unknown laws, on the ſcaffold, or in numerous attainders, which the humanity of the preſent age is unable to reverſe. The Jacobites, however, were ſtill ſoothed and conſoled, by the adaptation of their ſongs to the national melodies, to which few Scotſmen can yet liſten without a tear of enthuſiaſtic regret for their ancient independence and race of kings. The ſecond rebellion was diſtinguiſhed, as the laſt hoſtile expedition into England, by the gallant attempt of a few highlanders to reſtore their prince, and their victories over diſciplined and veteran troops; but it was extinguiſhed by a wide and unneceſſary profuſion of blood, on the ſcaffold and in the field.

Benefits of the union,

Nor was the union, for many years, productive of thoſe advantages at firſt expected. A feeble attempt to obtain a ſhare in the colonial trade was defeated by new regulations, which the commercial jealouſy of the Engliſh merchants procured. The migration of ſtock and trade to the north was a viſionary expectation. No new manufacturers were attracted to Scotland by the cheapneſs of labour; no improvement was introduced into agriculture; on the contrary, commerce was ſtill languid, and the price and rents of eſtates inconſiderable. Every national exertion was diſcountenanced; and during the interval between the two rebellions, the country was alternately diſregarded, or treated like a conquered province, prone to revolt[95]. The nation, notwithſtanding the

At firſt imperceptible,

[95] Gibſon's Hiſt. of Glaſgow. Lindſay's Intereſt of Scotland conſidered. Guthrie's Hiſt. x. 398, &c.

gradual

gradual increaſe of its linen manufacture, appeared to be nearly ſtationary, and was certainly far leſs progreſſive for half a century than if no union had ever been contracted. The factions of the preceding century were diſſolved with the parliament that gave them birth; but it is obſervable, that factions are not leſs neceſſary in a free ſtate, to preſerve the ſpirit of freedom, than ſects and controverſial diſputes in religion, without which the devout zeal, if not the faith of the votary, would ſoon decay. The national ſpirit appeared to be ſunk and extinguiſhed with thoſe factions which the union diſſolved. Patriotiſm, that ardent and excluſive attachment to our native country which the national independence of the Scots had excited, could neither be preſerved entire, nor transferred to another, when Scotland merged into the Britiſh empire; and from the narrow baſis of repreſentation, the people at large, having loſt their own, acquired little intereſt or ſhare in the conſtitution into which they were received. The views of Queenſberry and his friends in the union, to perpetuate their authority at home, and to eſtabliſh a numerous party in the Engliſh parliament, were realized afterwards by the dukes of Argyle, two brothers to whom the whole country was long devoted; and the Engliſh miſtook for the ſervility of the nation the dependence of the few members whom Scotland returned.

1715.

But the national ſpirit thus apparently extinguiſhed, burſt forth in a new direction more beneficial to Scotland. When the conteſts of

Afterwards immenſe.

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domeſtic faction had ceaſed, the turbulent fanaticiſm which diſtinguiſhed the Scots during the former century, was loſt in the purſuits of induſtry, literature, and the arts of peace. Some attempts had been made before the laſt rebellion to introduce a better cultivation into the Lothians, which has ſince extended through the Weſt and North, to the richeſt provinces beyond the Tay. The gentry, among other efforts to promote manufactures, had begun to breed their ſons to mechanical arts, in order to retain them at home. By the abrogation and ſale of hereditary juriſdictions, the poverty of the nobles was relieved, and the people emancipated from their oppreſſive coercion. The country was gradually enriched by the troops retained to prevent inſurrection; and from the advanced price and conſumption of cattle in the Engliſh market, the farmers accumulated their firſt ſtock for the improvement of the ſoil. The ſituation of Scotland attracted the peculiar attention of Pelham's adminiſtration; and, ten years after the laſt rebellion, the benefits of the union began to be univerſally felt. The forfeited eſtates, inſtead of being ſold as formerly, were appropriated to objects of national improvement; and induſtry was promoted by every encouragement which bounties can confer. The Jacobites, ſoothed by indulgence, and reclaimed by the gradual extinction of their hopes, began to transfer their allegiance from the ill-fated Stewarts to the reigning family; and under Chatham's adminiſtration, the Scots were employed in the army and navy in greater numbers than were

were ever known in any former war. Notwithſtanding the commercial jealouſy and oppoſition of the Engliſh, the merchants of Glaſgow had acquired a large ſhare in the tobacco trade; but their exports at firſt were ſupplied from England, till they adapted their own manufactures to the colonial market; and from that period the proſperity of Scotland has properly commenced.

Literature reſtored.

When the nation was no longer agitated by domeſtic faction, literature was again cultivated and reſtored with unexampled ſucceſs. During the civil wars, the claſſical learning for which the Scots were early diſtinguiſhed, was abſorbed and loſt in the controverſial vortex of religion and liberty; two names ever dear to mankind, with which the world has alternately been guided or deceived. From the reſtoration down to the union, the only author of eminence whom Scotland produced, was Burnet, the celebrated biſhop of Sarum, when tranſplanted to England, conſpicuous as a political writer, an hiſtorian, and divine. As an hiſtorian alone he deſcends to poſterity; and his curious reſearch into facts, the unaffected eaſe and ſimplicity of his dramatic narrative, his bold and glowing delineations of character, are far ſuperior to every hiſtorical production of the period. After a long interval the poetical genius of the Scots was revived in the tender and luxuriant Thomſon; but the ſpurious poems of Oſſian, a recent forgery, ſtill continue to pollute their hiſtory and corrupt their taſte [96]. For a time the mathematical ſciences

[96] See the annexed Diſſertation on the ſuppoſed authenticity of Oſſian's Poems.

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were diligently cultivated; and the medical ſchools eſtabliſhed at Edinburgh acquired an high reputation, which is ſtill preſerved. But the Scots, when deprived of their own, contemplated the Engliſh conſtitution, in which their paſſions were leſs intereſted, and the affairs of mankind in general, from which they were eſtranged, with a more diſcerning, calm, and unprejudiced eye; and in metaphyſical, moral and political ſcience, Hume and Smith appear without a competitor, as the firſt and moſt original philoſophers of the age. The hiſtory of England was inveſtigated by Hume, not with the eyes of a patriot but of a philoſopher; and from each author whom he conſulted, ſelecting alternately the choiceſt diction, he conſtructed an artful narrative, in which ſtrength, preciſion, elegance, and a copious ſimplicity are infinitely diverſified[97]; a narrative interſperſed throughout with the moſt profound reflections; and, if partial to a particular ſyſtem or party, enriched with the moſt philoſophical views of the arguments and peculiar opinions of the times. Leſs acute, argumentative, and profound, but more correct, inventive, and uniformly elegant, Robertſon aſpired to the native graces of the Engliſh language, and added the rare praiſe of laborious fidelity to the palm of hiſtory which Buchanan

[97] Compare with Clarendon, for example, Hume's narrative of the aſſaſſination of Buckingham. The orations of ancient hiſtory are juſtly exploded, as an ornament deſtitute of veriſimilitude, derived originally from the rhetorical ſchools. Hume's hiſtory is liable perhaps to a ſimilar objection; that the views and arguments aſſigned to each party are too refined and philoſophical for the age to which they are aſcribed.

originally

originally conferred on Scotland. Their ſteps were followed by others with unequal ſucceſs; but a few original authors communicate their taſte and literature, if not a portion of their divine ſpirit to their age or nation; and, inſtead of that claſſical erudition which adorns England, but is too apt, perhaps, to degenerate into verbal or grammatical diſquiſition, philoſophy, moral and political, is cultivated in Scotland, and its authors are ſtill diſtinguiſhed by ſcience and an original freedom of thought and diſcuſſion.

The adminiſtration of juſtice was improved by the union. When hereditary juriſdictions were aboliſhed, each county was relieved from the moſt vexatious oppreſſion, and thirty ſheriffſhips at the diſpoſal of government, ſoon reconciled the diſaffected bar. The ſupreme judges, whom the government had no intereſt to bias, ceaſed to participate in domeſtic faction; but the court of ſeſſion was indebted to Forbes for its preſent purity, which ſucceeding preſidents were aſſiduous to preſerve. Perhaps the leaſt violent, and the moſt ſalutary improvement in the adminiſtration of juſtice, is to open the courts of juſticiary and exchequer, under able judges, to the ſame cauſes which are competent before the ſeſſion; that when the ſubjects are admitted, in civil queſtions, to the cheap and expeditious alternative of a jury trial, the mutual emulation of the three courts may introduce the ſame ſimplicity and diſpatch into the forms of judicial procedure[98].

[98] See Conſiderations for Dividing the Court of Seſſion into Claſſes or Chambers, and the Revival of Jury Trial in Civil Actions; by the late lord Swinton.

The

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1755. Religion.

The preſbyterian church, ſo conſpicuous in the hiſtory of the former century, has excited little attention during the preſent. The rights of patronage were reſtored in the laſt years of queen Ann. A public toleration was granted to epiſcopal miniſters, uſing the liturgy, and accepting the oaths to government, which were artfully impoſed on the preſbyterian clergy, with an implied acknowledgement, to which it was difficult to ſubmit, that the ſucceſſor to the crown muſt profeſs the ſame communion with the church of England. The obvious deſign of the tories was to ſupplant the preſbyterians in eccleſiaſtical government; but of theſe acts the laſt has diſarmed the intolerance of the clergy; the firſt has introduced a mild and more liberal ſpirit into the eſtabliſhed church. While the choice of a paſtor was lodged with the pariſh, the clergy were reduced to the neceſſity of low aſſentation; and, to preſerve their influence over the people, were obliged to cultivate the moſt popular and fanatical arts. Grace and zeal were invariably preferred to moderation and learning; but the clergy recommended to the notice of the patrons by more laudable arts, acquired a more liberal and enlightened ſpirit. The auſtere and moroſe enthuſiaſm of their order has been gradually refined; but it may be queſtioned whether the revival of patronage has contributed to their influence, or the ſtability of their church. Their dependence on the patron is ſlight, or of ſhort duration; and when their former connexion with the proprietors was diſſolved, a pernicious emulation was naturally excited, productive of litigious and

and endleſs diſputes. The adherents of patronage, in oppoſition to the popular or wild preſbyterians, arranged themſelves on the ſide of the court; but within a few years the intolerance even of theſe moderate preſbyterians occaſioned a wide and memorable ſeceſſion, which undermines, and threatens, at ſome future period, to overturn their eſtabliſhment. Whatever fanaticiſm remains in Scotland is preſerved by the *Seceders*, who adhere to the covenants and auſtere morals of the old preſbyterians; and, although divided among themſelves, have continued rapidly to encreaſe, while epiſcopacy, deſtitute of enthuſiaſm for its baſis, has almoſt diſappeared.

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But the beneficial effects of the union were peculiarly reſerved for the preſent reign. The progreſs of induſtry and trade was immenſe; new manufactures, particularly of ſilk, were introduced with ſucceſs; the Scots employed in the late war, returned from abroad with the means or ſpirit to improve their eſtates; and the rapid cultivation of the country has redoubled the produce and value of the ſoil. Before the commencement of the American war the merchants of Glaſgow had engroſſed the chief trade in tobacco for exportation. The interruption of trade during that diſaſtrous war, directed their capital, and the national induſtry, to the improvement of domeſtic arts; and from the perfection of modern machinery, the cotton manufacture, a recent acquiſition, in all its branches ſo prodigiouſly increaſed, already rivals and ſupplants the productions of the ancient looms of

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of Indoſtan. Doubtleſs much is to be aſcribed to the ſpirit and progreſſive ſtate of the nation; but without an union, its unavailing efforts would have ſtill been diſcountenanced by the commercial jealouſy, and depreſſed by the influence of the Engliſh government. The recent benefits of the union are truly ineſtimable; and if its articles, which are too numerous, and on ſome occaſions precluſive of improvement, have ever been infringed from inadvertence, a Britiſh parliament can have few temptations to depart from them by deſign. National animoſities are at length obliterated; and if ſtill regarded as ſcarcely naturalized, the Scots aſſimilate ſo faſt to the language, manners, and taſte of the Engliſh, that the two nations ceaſe to be diſtinguiſhed in the future hiſtory of the Britiſh empire.

NOTES

AND

ILLUSTRATIONS.

NOTE I. p. 14.

BURNET, i. 178. Baillie, ii. 431. Cunningham's Hiſt. of Britain, i. 13. The fact mentioned by Burnet, and confirmed by theſe writers, is prepoſterouſly queſtioned by Dr. Campbell. Biog. Brit. iii. 190. But Burnet's veracity, at leaſt in Scottiſh affairs, is atteſted throughout by his coincidence with Woodrow's Hiſtory and original materials; an immenſe maſs of MSS. in the Advocate's Library, which I have carefully inſpected. The coincidence is the more remarkable, as Woodrow, who publiſhed in 1721, 1722, had never ſeen Burnet's Hiſtory, publiſhed, the firſt volume in 1723, the ſecond in 1734. In writing from memory, Burnet neither is, nor pretends to be, always correct in dates; and in his latter days was undoubtedly credulous. But his narrative is neither to be rejected becauſe the dates are diſplaced, nor the glowing characters of nature to be diſcarded becauſe they coincide not with the prejudices of party writers. If we compare his narrative and characters with thoſe of Clarendon, and conſider how ſuperior they are to every contemporary production, how frequently they have been ſilently tranſcribed by ſucceeding authors,

Hume himſelf, for inſtance, who blames them moſt, how imperfectly their loſs would have been ſupplied by more recent memoirs, we ſhall diſcover the real value of Burnet as an hiſtorian.

NOTE II. p. 65.

In the laſt, and till Forbes was appointed preſident in the preſent century, it appears that frequent injuſtice was incurred from cauſes being called and decided irregularly, at the preſident's option; that the preſence or abſence of particular judges might determine the queſtion according to his mind. To correct this iniquity, the preceding parliament, in an act to regulate judicatures, had ordained: 1. That every cauſe to be heard in the inner houſe *ſhould be inrolled, and called* according to the date of its regiſtration: 2. That if a cauſe is called by anticipation out of its due courſe, neither party is bound to plead or to appear. It is declared a ſufficient defence that the cauſe was called out of the order of the rolls; and although the parties ſhould not object, the clerks are forbidden to engroſs or extract the deciſion of the court. Parl. 1672, cap. 16. § 5. 12. It is difficult to conceive a ſtronger prohibition; but the parties, not aware of Lauderdale's intention, had not at firſt objected; the cauſe was not inrolled, as required by the act; and when reported to the inner houſe, was not therefore called out of its due courſe in the rolls. On ſuch miſerable chicane does that great lawyer lord Stair place the judgment which he pronounced. Stair's Deciſions, Feb. 5th, 1674.

NOTE III. p. 85.

The only hiſtorical facts are, the ſpeech in March, the Archbiſhop's murder in May, the inſurrection in June;

June; circumſtances of which the firſt and laſt are too remote to be received as cauſe and effect. The ſuppoſed effects of the ſpeech are tranſcribed by North and Echard, from pamphlets written during the virulence of faction, which contain little elſe than the political lye of the party or of the day. Nothing is more common in faction than to aſcribe the neceſſary effects of injuſtice and violence to thoſe who have deprecated and foretold the event; thus the loſs of America has been imputed to a ſpeech of the late lord Chatham. But of thoſe who have improved upon North and Echard, Sir John Dalrymple is the moſt extravagant. Shafteſbury, who, calling in the aid of war to that of party, had maintained a long correſpondence, of which not a trace exiſts, with the diſcontented Scots, firſt taught them to complain of the tyranny to which they had long ſubmitted, then inſtructed the Engliſh to feel and reſent their ſufferings; and laſtly, by means of a few copies of an unprinted ſpeech, rouſed eight thouſand fanatical Scots to arms. Is this *hiſtorical painting* or the dreams of romance? Dalrymple's Memoirs, i. 266.

NOTE IV. p. 103.

HUME conſiders Spreule's as an extraordinary caſe. He was examined on the ordinary queſtions—was Sharp's death murder? &c. and on an imaginary plot to blow up the palace together with the duke. Dalrymple informs us that Woodrow had gained credit by appealing to the council records which he, ſir John, had examined, but found no reaſon for the imputation that the duke attended when Spreule was tortured. In the firſt place, although the acts of council, in which its proceedings were never inſerted, are ſtill preſerved, the council records from 1678 to Auguſt 1682, though inſpected by Woodrow, have

have been amiſſing from the public offices above fourſcore years. Secondly, Woodrow does not appeal to the council record, but to the more unſuſpicious teſtimony of Spreule himſelf, who was alive when he wrote. The council record is tranſcribed by Woodrow; but as the duke's attendance was voluntary, his name is not inſerted i the committee appointed to ſuperintend the torture. Dalrymple's Memoirs, i. 13. Woodrow's Hiſt. MS. Col. vol. iv. 8vo.

The only inſtance which I have found, of an equivocal humanity in the duke's adminiſtration, it would be unjuſt to ſuppreſs. Five young men were ſelected from the priſoners for the regiments in Flanders; but their behaviour before the privy council was ſo intrepid or treaſonable, that they were remitted to the juſticiary court to be condemned and executed, and their heads exhibited as uſual on the city walls. Next day four more were produced to be ſent to Flanders; but as they began in the ſame ſtrain, the duke ordered them to be removed that they might not hang themſelves with their own tongues. Fountainhall's Deciſions, i. 158—60.

NOTE V. p. 135.

This rude but affecting declaration may explain their calamities and the extent of their wrongs: "We do "hereby teſtify that we utterly deteſt and abhor that "helliſh maxim of killing all who differ in judgment "from us. Yet we declare, that whoſoever ſtretch forth "their hands againſt us by ſhedding our blood, either by "authoritative command, ſuch as bloody counſellors, "(bloody we ſay, inſinuating thereby an open diſtinction "between the cruel and blood thirſty and the more "ſober and moderate,) juſticiary generals, &c. all who "make it their work to embrue their hands in our blood, "or by obeying of ſuch commands, as malicious ſoldiers,

"gentlemen,

" gentlemen or commoners, who ride or run with them " to lay hold of us, viperous biſhops, curates, and all " ſuch intelligencers and others who at ſight of us raiſe " the hue and cry againſt us, ſhall be reputed enemies " to God and the covenanted reformation, and puniſhed " as ſuch, according to our power and the degrees of " their offence; chiefly if they ſhall continue obſtinately, " and with habitual malice to proceed againſt us.—But " we do abhor and condemn any perſonal attempt with- " out previous deliberation, common concert, and ſuf- " ficient proof, therefore let them be admoniſhed of their " hazard, and ſpecially all ye intelligencers who, by your " informations, render us up that our blood may be ſhed." Woodrow, ii. App. 137. From Sharp's murder the ſtateſmen had ſome reaſon to be apprehenſive of their lives. But from the nature of their government little doubt can be entertained that one part of the nation, but for the revolution, would have degenerated into aſſaſſins.

NOTE VI. p. 309.

THE following letter from lord Stair to the earl of Mar is characteriſtical and curious.

" *3d January* 1706.

" I acknowledge the honour of yours of the 25th paſt, " in which your lordſhip hath been pleaſed to give me a " full and clear view of our affairs, how far they have " been ſucceſsful, and where there is danger that they " may miſcarry.

" I am convinced the Inglis have done very handſomely " and obligingly in repealing all the clauſes of their act " which were either injurious or grievous to us; and " though there were no more ſucceſs to be hoped for " from the treaty, yet that ſame was well worth all the " ſtruggle we had to obtain it; and it carries an air of " reproof to two ſorts of people; either thoſe who would

" not enter into a treaty becauſe they pretended no good " would be got by it, and others who were ſo fond as " to have rendered without any terms, to which it was " impoſſible to have brought our nation or parliament. " I ſhall be ſorry if the Inglis inſiſt too peremptorily upon " an entire (union) at preſent. Your lordſhip knows my " ſentiments on that matter, that I do firmly believe an " incorporating union is the beſt for both nations; but " that may require more time than the preſent circum- " ſtances do allow; for if we ſhould be ſo unhappy as to " be deprived of her preſent majeſty before the ſucceſſion " is ſettled, great miſchiefs may follow. Therefore I " wiſh that upon the ſettling of a free trade betwixt the " nations and all freedom of the plantations, that the " ſucceſſion were preſently declared in our next ſeſſion " of parliament, and that the treaty of an entire union " might likewiſe proceed ſo as a ſcheme thereof might be " offered to both parliaments; and if more time were " found to be neceſſary for that, yet it needed not ſtop " the other from being preſently concluded and declared.

" For the nomination I think your part in ſtating the " difficulty and giving the general opinion, I conclude " the court will hardly adventure to make another mixture " without either ours or the opinion of our friends here; " and if they be of another mind, I think it's our part to " ſubmit; if that other brings the matter to a good " concluſion, as not to be conſidered by what hands, and " if the affair miſcarries you are exonerated; but I am " afraid another ſtop of this kind will render D. Queenſ- " berry ſo jealous that he will not meddle, and your lord- " ſhip will conſider how the buſineſs will ſucceed without " him. 'Tis a great happineſs for the public and ſecurity " of the people that the two ſecretaries, and the great men " in the government, are of the ſame ſentiments. So " long as you continue ſo as impoſſible for buſineſs to " miſcarry; it may ſtick at one time, but it may do at " another.

" another. All the oppoſition can only retard, but with-
" out this ſettlement there is nothing conſiderable, either
" ill or good, can be done with us. But though you
" ſhould not come to open breaches, if there ariſe diffi-
" dence or ſhyneſs amongſt you, then you ruin yourſelves,
" your friends and country. Therefore the common
" intereſt is more to be minded than the particular part
" that every man is to act. Nor is it always the greateſt
" actor that repreſents the greateſt perſon; but the ſeveral
" parts are to be given ſo as the whole plot may be beſt
" executed. It's only on this point that I fear heart
" burnings may ariſe. The court and our friends there
" ſhould digeſt and prepare this matter, and I hope the
" perſons ſhall acquieſce in what parts friends do aſſign
" them; and whoever be the principal actor, they ſhould
" be contented to act with concert, and to allow others
" their ſhare in the influence and diſpoſal of things,
" according to their intereſt and weight in the party.

" I do not believe that the two dukes will differ in re-
" lation to the M. of Annandale. He muſt either recon-
" cile and quit his humour before the nomination, or
" then there will be an end of him; and there will
" be the more need of caution to retain our friends here
" and care to take off ſome that were in oppoſition. In
" order to retaining friends it is abſolutely neceſſary to
" finiſh what was begun with the northern ſquadron. I
" know it's not your lordſhip's fault that Grant is not
" provided as yet, but except be ſheriff of
" Roſs, they will never be hearty, for he manages the
" reſt; and George Brodie is earneſt that Captain Brodie
" be under-chamberlain of Roſs, which has ſome diffi-
" culty; but it muſt either be done, or that kept fair in
" expectation, which will have great influence in the
" North; for though that corner, which had many re-
" preſentatives, are the moſt diſaffected to the preſent
" eſtabliſhment and the ſucceſſion, yet the matter of

" trade is more in their heads than any others in parlia-
" ment, which may make them eaſy in the parliament
" to ratify theſe good terms that may be obtained in the
" treaty.

" For getting of ſome of our oppoſers I wrote formerly
" to E. Loudon, how little I believed of advances had
" been made by the leaders; my lord Arniſton is very
" current for the treaty, and that we ſhould take the
" beſt terms we could get, for breaking up is ruin; and
" he ſays he would not ſtick at quitting our act of peace
" and war, which is a fair advance. He is the firſt
" baron in parliament, and you will find few of his ſtate
" to be put upon the treaty. There's indeed a charm
" in being engaged into a party in common
" take men off from their own reaſon; but yet if he were
" named and on the treaty, I think I could anſwer for
" him, and he is certainly for the conſtitution. There
" is another friend of yours of whom I'll write to Loudon
" when I have more aſſurance. He does not deſire to
" be in the treaty, and he is valuable for his tongue,
" and I think not high in his pretenſions. All his friends
" are of our ſide, ſo if he comes there is no fear that he
" goes off again.

" For military matters, I pretend not to underſtand
" them. All theſe gentlemen are ſo touchy, that they
" are ready to miſtake or quarrel even what's done for
" their ſervice to accommodate all matters. I muſt ſay
" the officers of our army having not frequent occaſion
" of fighting for us, they are to be otherwiſe uſeful;
" and there is ſuch a connection and dependence betwixt
" the ſtate and the army, that the nomination of officers
" never was out of the hands of the miniſtry. No doubt
" great regard will be had to the recommendation of the
" commander in chief, as to the recommending of ſtaff
" officers for the ſubalterns where no other reaſon of
" ſtate interferes. For a new parliament I wiſh this were
" better;

"better; but till it fail us I would not try another, leſt "that be worſe. I muſt ſay the parliament never failed "where the miniſtry was not divided; and in the new "elections the party in oppoſition will have the advantage "of us in diligence; and a perſon inclined to the court "is eaſy put by from being choſen in his country. It "would raiſe a new ferment; whereas our humours "rather cool, and it's too true that men who deſire eaſy "fair things are ſeldom ſo active as thoſe who have "worſe intentions."

NOTE VII. p. 327.

Lord Glasgow, Queenſberry's inſtrument in managing the Scotiſh parliament, produced on oath under Harley's adminiſtration, an account of the diſtribution of the 20,000*l.* See Lockhart's App. Tindal's Rapin, iii. 777. Anecdotes Biog. and Crit. of eminent men of the preſent age. Cuningham endeavours to vindicate his friends, Hiſt. ii. 61. 352; but they durſt not diſpute Glaſgow's veracity in the account delivered to the houſe of commons. Marchmont's ſhare was 1104*l.* Tweedale's 1000*l.* Roxburgh's 500*l.* Montroſe's 200*l.* but it is to be obſerved that the two former obtained no promotion, the two latter were created dukes and had no claim whatever to arrears. Some it is ſaid, who granted no diſcharges, drew their arrears a ſecond time out of the equivalent, from which Queenſberry received 23,000*l.* as commiſſioner, beſides 12,000*l.* the balance of the 20,000*l.* which he was permitted to retain. The reader may be ſurpriſed at the ſmall ſums (25*l.* 50*l.* 75*l.* 100*l.*) employed as bribes; but when reduced to Scotch money, three, ſix, nine, and twelve hundred pounds, have a better ſound, and are quite adapted to the poverty of the country in theſe times. The leaſt is lord Banff's 11*l.* 12*s.*; but we diſcover from Carſtairs that his

lordſhip, a papiſt, was ſo poor as to embrace the proteſtant faith that he might ſolicit a ſmall ſum for his journey or vote in parliament. Carſtairs, 737. Never was an union ſo cheaply purchaſed.

Dr. Somerville, in his accurate and impartial hiſtory of queen Anne, p. 223, obſerves that the money was partly diſtributed as arrears, partly to defray the expence of magiſtrates, partly to counteract the intended bribery of the French and Dutch. It is not whether the arrears were due, but whether they would have been advanced unleſs to purchaſe votes. The marquis of Athol, who received his arrears, but retained his vote, is a ſingular exception; nor do we know what ſecret ſervices he might have performed, like Hamilton. But arrears never paid till then, to create influence, are not the leſs bribes that they were juſtly due. As the provoſt of Wigton, the only magiſtrate, ſat in parliament, the money was undoubtedly given for his vote. The bribery intended, but never practiſed by the Dutch, is a mere egotiſm of Cuningham's, who affects to have diſſuaded them by his influence from the attempt. Hamilton required 20,000*l.* from France to prevent an union; the very ſum which Queenſberry procured from England. But the ſmallneſs of the bribes muſt be aſcribed to the want of competition for the purchaſe of votes.

NOTE VIII. p. 334.

A LATE hiſtorian of the Hamilton family quotes a letter from Middleton to Hamilton, "beſeeching his grace, in "behalf of his maſter, to forbear giving any farther oppo- "ſition to the union, as he had extremely at heart to "give to his ſiſter this proof of his ready compliance "with her wiſhes; not doubting but he would one day "have it in his power to reſtore to Scotland its ancient "weight and independence." A letter quoted as extant,

tant, might have paſſed as authentic: but the author, *leſt any doubt ſhould be entertained that ſuch a letter once exiſted*, quotes another from Hamilton to his ſon. "Tell my "lord Middleton not to be uneaſy about his letter; I "have been too ſick to anſwer it, but I burnt it with other "papers for fear of accident." Till a letter mentioning that another was burnt, ſhall be received as ſufficient to authenticate a quotation from that laſt letter, it will be difficult to perſuade the world that Godolphin and Marlborough meant to reſtore the Stewarts, Harley to ſecure the proteſtant ſucceſſion. Hamilton's Tranſ. during the reign of queen Anne, p. 43—4.

AN

HISTORICAL AND CRITICAL

DISSERTATION

ON THE SUPPOSED AUTHENTICITY OF

OSSIAN's POEMS.

AS the poems of Oſſian are about to be publiſhed in Earſe, their ſuppoſed original, ſome reaſon may be expected for transferring them from the third to the eighteenth century. The argument already explained, in the firſt volume, (p. 44.) I hold to be unanſwerable. In aſcribing ſuch primeval refinement to the firſt and rudeſt ſtage of ſociety, we muſt believe that the highlanders degenerated on emerging from the ſavage ſtate, and became more barbarous in proportion as they became more civilized. But the believers in Oſſian will ſtill require a more minute detection, which infidels may not be diſpleaſed to peruſe; and unleſs my opinion is fully vindicated, I ſhall be accuſed of an invidious oppoſition to our national bard, on the eve of his appearance in the original Earſe. The detections that occur will exceed the uſual latitude indulged in theſe notes. In reducing, however, the numerous

merous detections, hiſtorical and critical, under a few general heads; I. The Roman hiſtory of Britain: II. The middle ages: III. Tradition: IV. The cuſtoms and manners of the times: V. The real origin of the poems: VI. Imitations of the ancient and modern poets: VII. The pretended originals: VIII. Macpherſon's avowal of the whole impoſture; it is my ſincere deſire to diſabuſe my countrymen, and, if poſſible, to put an end to the controverſy and the deception for ever.

Detection of Oſſian.

I. 1. That the Highlanders, to whom the name of Scots was at firſt appropriated, originated from Ireland, the ancient *Scotia*, is an hiſtorical fact, which was never controverted except by Maitland, Goodall, and the two Macpherſons. The latter have wiſely abandoned a millennium of fabulous kings. But the arrival or return of the Scots from Ireland, under Fergus Mac Erth and his brother Loarn, is eſtabliſhed by the concurrence of every Scottiſh and Iriſh hiſtorian; and their firſt arrival is marked by Bede, under Riada their leader, from whom their ſettlement was named Dalriada. Their migration is confirmed by the Iriſh hiſtories, and their arrival fixed at the year 258, when a colony was firſt conducted by Riada to Argyle. In the next century they occur in Marcellinus, under the deſignation of Attacotti and Scots, a new people, unknown to Ptolemy, who retained the ſame ſettlements in Argyle till expelled by the Picts. But whether their firſt migration and arrival from Ireland is placed at 258, under Cairbar Riada, or poſtponed till 503, when reſtored by Fergus, it is an hiſtorical fact that there was not a highlander in Scotland, of the preſent race, at the beginning of the era aſſigned to Fingal [1].

1 See in Whitaker's Genuine Hiſtory of the Britons aſſerted, a full confutation of Macpherſon's objections to Bede, and of the deſcent of the Iriſh from the Caledonian Scots. See Uſher. Stillingfleet. Kennedy. Pinkerton's Introduction, &c.

2. Mac-

2. Macpherſon had diſcovered from O'Flaherty and Keating, that Fingal and his heroes were real characters in the hiſtory of Ireland, whoſe true era was from the middle to the end of the third century. In appropriating thoſe heroes to the highlands of Scotland, he found a convenient chaſm in the hiſtory of Britain under the Romans, and connected Fingal with Caracalla in 208, and with Carauſius the uſurper in 286, to aſcertain his era without recourſe to Ireland, and eſcape detection during the intermediate period. His reign and exploits are prolonged in the Temora to the battle of Gabhra, where Oſcar was killed by Cairbar in 296[2], with the ſame propriety as if a youthful patriot, who reſiſted an union in the Scottiſh parliament, were again introduced at the end of the century, oppoſing an union with Ireland in the Britiſh ſenate. By connecting his Poems, however, with Roman hiſtory, Macpherſon has incurred the moſt egregious detections. The abſurdity was remarked by Gibbon, that the highland bard ſhould deſcribe the ſon of Severus "by a nickname invented four "years afterwards, ſcarcely uſed by the Romans till "after the death of that emperor, and ſeldom employed "by the moſt ancient hiſtorians[3]." The detection is as complete with reſpect to Carauſius. In the middle of the ninth century the fabulous Nennius placed the

From Roman hiſtory.

2 The battle of Gabhra, in which the Fions or Clan Boiſkin were deſtroyed, is placed by O'Flaherty in 291, but by moſt others in 296. Ledwich Antiquities of Ireland, p. 10. Campbell's Strictures on the Hiſtory of Ireland, p. 185. O'Halloran's Hiſt. of Ireland, i. 280. The book of Houth, and other Iriſh Annals, render the fact indiſputable; (Tranſactions of the Royal Iriſh Academy, i. 118.) and the period was ſufficiently within the reach of traditionary hiſtory, on the introduction of letters by St. Patrick. See Pinkerton's Introduction to the Hiſtory of Scotland, ii. 74.

3 Gibbon's Hiſtory, i. 8. 209. Macpherſon gives three etymologies of Caracalla; carac-huil, terrible eye; carac healla, terrible-look; carac-challamh, a ſort of (terrible) upper garment. Oſſian, ii. 222. edit. 1773.

wall

wall of Severus between the Forth and the Clyde, and repreſented Carauſius as the contemporary and ſucceſſor of that emperor, revenging his defeat and death on the natives; repairing and fortifying his wall with ſeven caſtles; erecting Arthur's oven as a monument of his victories, and impoſing his own name on the river Carron. That Severus's wall, if ever erected, extended nearly in a line with Hadrian's, from the Tine to Solway, and that the country, within the wall of Antoninus, between the Forth and the Clyde, was abandoned by Carracalla, a fact unknown to Macpherſon, is fully eſtabliſhed by every Engliſh writer, Uſher excepted, from Bede to Horſely and Roy. Buchanan, whom alone he conſulted, was deceived by Nennius; and on this wretched fable the additional fictions of Oſſian are conſtructed. Fingal is repreſented in Comala as encountering Caracalla on the banks of the Carron; and returning in Carrick Thura from an incurſion into the Roman province of Valentia, which did not then exiſt; and in Croma, Oſcar oppoſes Caros, king of Ships, entrenched at Carron behind his gathered heap, which, as the wall in Scotland was not built by Severus, Carauſius the uſurper did not repair. Macpherſon, from his gathered heap or collection of ſtones, imagined that the ſtone wall aſcribed to Severus (ad murum, Newcaſtle) belonged to Scotland, and was ignorant that Agricola merely erected a chain of Forts; Antoninus, a vallum or turf rampart and trench [4]. Truſting to the Scottiſh antiquaries, he is equally ignorant that the interpolator of Nennius is the ſole foundation for the battles and buildings of Carauſius at Carron, and the only authority on which it is celebrated by Buchanan and himſelf, as the furtheſt limit of the Roman empire.

4 Nennius, cap. 148—51. Horſley's Brit. Rom. l. i. c. 9, 10. Pinkerton, i. 45. Innes' Crit. Eſſay, i. 15. Gordon's Itin. Septentrionale. Roy's Mil. Ant.

" Hic

" Hic contenta ſuos defendere fines
" Roma ſecurigeris prætendit mœnia Scotis,
" Hic ſpe progreſſus poſita, Caronis ad undam,
" Terminus auſonii ſignat divortia regni."
BUCH. ii. 56.

3. Carron, aſſigned by Buchanan as the term of the Roman empire, and the ſcene of Douglas, a tragedy then ſo popular, Glencoen, or Cona, infamous from the maſſacre of Glenco, Dumbarton, the Alcluith of Bede, the moſt noted or claſſical places in Scotland, are thus, by a dexterous anticipation, appropriated to Oſſian. Balclutha, in the poem of Carthon, was burnt by Comhal, the father of Fingal. Dumbarton could not have eſcaped the accurate obſervation of Ptolemy, a contemporary, had it exiſted then. The Romans, when the wall of Antoninus was erected in 140, would neither have permitted the Britons to retain a fortreſs of ſuch conſiderable ſtrength, nor could Dumbarton, in the ſecond century, have been deſtroyed by Comhall, from its extreme vicinity to the end of the wall. The fact appears to be, that it was built by the Romans, and named Theodoſia [5], from Theodoſius, Valentinian's general, who recovered in 367, and erected the country abandoned by Caracalla, into the province of Valentia, between the walls. Balclutha, therefore, had no exiſtence when it was ſacked by Comhall; and I ſuſpect much that the incident is derived from the deſtruction of Dumbarton in the ninth century, by the Danes from Ireland.

Dumbarton

Not then built.

The

5 " Maximus hic viſitur lacus, cui nomen olim Lyncalidor; ad cujus " oſtium condita a Romanis urbs Alcluith, brevi tempore a duce Theodoſio " nomen ſortita, qui occupatam a barbaris provinciam recuperavit: cum " hac comparari potuit nulla; utpote quæ poſt fractas cæteras circumja- " centes provincias impetum hoſtium ultimo ſuſtinuit." Richard of Cirenceſter, l. i. c. 6. If the authority of Richard is denied, the ſilence of Ptolemy, who enumerates the towns of each nation, is deciſive againſt the exiſtence of Alcluith in the ſecond century. Alauno has been

Balclutha a fictitious name.

The name itſelf is an additional detection. When erected by the Romans it retained the name of Theodoſia and the privileges of a Latin town, (jus Latii,) till transferred on their departure to the native Britons who formed the kingdom of Strathclyde Welſh. On becoming their capital, it received, or perhaps recovered, the name of *Al*cluyd, explained by Bede the rock of Clyde. Unable to diſcover the word in Earſe, Macpherſon imagined that Bede was miſtaken, and tranſlated the Gothick, and comparatively recent names of Dunclidon and Dunbarton, the town of the Britons, into Balclutha, the town of Clyde [6]. But that Bede's etymology was correct, and Macpherſon's a fictitious name of his own, is proved not only by Richard, but Adomnan, who preceded Bede, and tranſlated *Al*cluyth into *Petra*cloith in his life of Columba.

Orkney.

4. Fingal's intercourſe with other nations contains the ſame minute yet concluſive detections. Inniſtore, the iſles of wild boars, which occurs in an Iriſh ballad to be quoted in the ſequel, is transferred by Macpherſon to the Orkney iſles. Conſcious that *torre* never ſignified a whale in Earſe, Smith converts the name into Innis-orc, or Orc-innis, the iſle of whales, from the Latin orca or the Engliſh orc, introduced into their language by the Iriſh prieſts. It is evident that Macpherſon, who was far gone in Celtic etymology, inverted or tranſlatedthe Orkneys into Earſe, and converted the name into Iniſtore, (Torry

been transferred from Stirling to Keir, and the Caſtra Alata from Edinburgh to Cramond or Inverneſs. As Alcluith was ſo long unoccupied, it is ſingular that the Romans, adhering to an eſtabliſhed plan of defence, neglected three ſuch natural fortreſſes as Dumbarton, Edinburgh, and Stirling, for a line of forts and a wall from frith to frith.

6 Macpherſon, who might diſcover in Goodall's Introduction to Fordun (publiſhed 1759) the deſtruction of Alcluyth in 870 by the Danes, imagined that *Al* a rock was a miſtake of Bede's for Ball a town. Dunclidon, which he evidently tranſlates Balclutha, has no authority, I ſuſpect, but Baxter's emendation of the Clidum of Ravennas. He has given us another town, Balteutha, to be ſtill diſcovered on the Tweed.

iſle

iſle on the weſt of Ireland,) for the benefit of the ſound [7]. But the Orkney iſles, which he peoples with Scandinavians, were either uninhabited then, or poſſeſſed by the ſame Picts whom he confounds indiſcriminately in Scotland, both with the Cimbric Britons and Iriſh Celts. Solinus, a contemporary of Fingal, deſcribes the iſlands in 240 as deſtitute equally of inhabitants and woods, and covered only with ſhrubs or heath; "Orcades numero tres; "vacant homine; non habent ſylvas; tantum junceis "herbis inhorreſcunt; cætera earum nudae arenae et "rupes tenent [8]." From his coincidence with Ptolemy in the number of the Hebrides, in which he departs from Pliny whom he generally tranſcribes, we muſt conclude that *tres* is a manuſcript miſtake for the *triginta* of Mela. But from this accurate and pictureſque deſcription, I prefer his authority that the iſlands were then uninhabited, to Tacitus' vague account of Agricola's fleet, "quas "Orcades vocant, invenit domuitque," or the poetical fictions of Claudian in the fourth century, who peoples Thulé with Picts, and the Orkneys with Saxons, inſtead of the Saxon iſles. Their firſt inhabitants were the ſame Picts who inhabited Scotland. The Norwegians had not acquired in the ſixth, nor begun to people the iſlands till the eighth century, when the petty princes of Norway were expelled by Harold. But Macpherſon, ignorant that

Deſerted, or poſſeſſed by Picts.

7 Smith's Gaelic Antiquities, 231. Collectan. Hibern. iii. 370. See in Macpherſon's Introduction to the Hiſtory of Britain a ridiculous liſt of Latin words, among others, ſericum, ſeriam, ſilk, derived from the Earſe. His etymology of Britain is curious; *braid*, extenſive, *broad*, *in* land. Oſſian, i. 206. Thus theſe Celtic etymologiſts return us our own words as well as our own poems for Earſe.

8 Solinus, cap. 35, where Richard ſeems to have read Triginta, l. i. cap. 8. The Orkneys, from the earlieſt Norwegian accounts, were without trees. Solinus is generally accurate, though ridiculed for depriving Ireland of bees. But Giraldus Cambrenſis, who mentions their introduction, aſcribes their ſcarcity to the high winds and humidity of the climate, and the noxious yews which were numerous then. Cambr. Topogr. Hiber. l. i. c. 5.

they

they were deſtitute even then of wood, and utterly deſert unleſs poſſeſſed by the Picts, diſcriminates the Orkneys by the circle of Loda, and diverſifies the ſcenery with aged trees, the flaming or the fallen oak, and a rock with all its echoing wood.

No intercourſe with Lochlin.

5. In the epiſode of Conban-carglas, daughter of Torcul-torno king of Lulan, (for the names in the Cath-loda are at leaſt romantic,) we are required to believe that the highlanders were acquainted with Torneo and Lulea by name, at the bottom of the gulph of Bothnia, in Swediſh Lapland, at a time when the Romans had no knowledge of Scandinavia beyond the Wener lake. Currachs of ozier, covered with hides, were the only veſſels which the highlanders poſſeſſed; and as they were neither pirates nor traders, nor ſailors, nor addicted ever to the ſea, we may truly affirm that they never paſſed into Scandinavia in a ſingle ſhip. The invaſions from Lochlin, a name unknown till the ninth century, are equally fabulous. The Suiones, diſtinguiſhed by Tacitus as the only northern nation poſſeſſed of ſhips, were ſtill ignorant, in the ſecond century, of the uſe of ſails [9]. The Franks, inſtructed by the ſingular and recent eſcape of their countrymen, who circumnavigated Europe from the Euxine to the Rhine, were the only maritime people that infeſted the coaſts of Britain till the Saxons appeared. Had the Norwegians applied ſo early to piracy or to the ſea, as they muſt have been attracted by plunder to the ſouthern ſhores, inſtead of Ireland, ſo their predatory expeditions could not have eſcaped the obſervation of the Romans, when Carauſius was employed to intercept the Franks [10].

Unknown in the third century.

Detections from the middle ages.

II. 1. Theſe hiſtorical detections conduct us to the invaſions of Scotland and Ireland, in the middle ages, by the Norwegians and Danes, to whom the traditionary

9 Tacitus Germ. c. 44.

10 See Gibbon, ii. 84. 123. 8vo. who is careful to diſtinguiſh the Franks from the Saxons.

by

poems in the highlands refer. Shaw, Hill, and the biſhop of Clonmore, who have ſearched the highlands ſucceſſively for originals, diſcovered no traditions whatever of Swaran; but of Magnus Barefoot, who, ſeizing Cantiré and the Iſles, was killed in Ireland in the beginning of the twelfth century, and by an anachroniſm not uncommon in traditions, is repreſented in ſome rude ballads as encountering Fingal. The name is retained by Smith, another reverend tranſlator of thoſe ballads into heroic poems; and Swaran, in the firſt fragments of Fingal, before the author had digeſted his plan, is denominated Garve, a literal tranſlation of Magnus into Earſe. But Macpherſon perceived the traditionary anachroniſm; and to render the king of Norway contemporary with Fingal, converted Magnus into the fictitious Swaran. Magnus.

2. In Carrick-Thura, an heroic poem, Fingal, returning from an expedition into the Roman province, ſails next day to viſit his friend Cathula, the ſon of Sarno, king of Iniſtore. Under the names of Cathula (pronounced Cat-huil) the ſon of Sarno, altered and adapted to Celtic poetry, it is eaſy to diſcern Ketil, the ſon of Biarno, celebrated in Icelandic genealogies as lord of the Hebudes, of whom ſome traditionary report may be preſerved in thoſe iſlands. When the Weſtern Iſles were recovered by the Norwegian pirates from Harold Harfagre, of whom Macpherſon has made ſome mention in the maid of Lulan, Ketil, a Norwegian employed to regain them, eſtabliſhed himſelf there as an independant prince. Inſtead, however, of being a contemporary of Caracalla, or Carauſius the uſurper, Cathula the friend of Fingal, and the Norwegian lord of the Hebudes, lived in the beginning of the tenth century, and was connected, by the marriage of his daughters, not with the king of Morven, but with the petty princes of Dublin and Man [11]. Ketil.

3. But

[11] Ketil multis præliis, perpetuo victoriarum curſu, feliciter inſulas domuit, fœderibus deinde præcipuis occidentalium regionum Principibus,

Carrick-Thura.

3. But what ſhall we ſay to Carrick-Thura, the palace of the king of Iniſtore? In transferring his reſidence to Orkney, it was neceſſary to find a local habitation and a name. Thura is the name of a place in Caithneſs, of which the author had probably heard in Badenoch; and in ſearching Mackenzie's maps, he diſcovered a Carrick in Orkney, which, when conjoined with Thura, ſeemed to approximate ſufficiently towards a local appellation[13]. Thura and Thurſo are undoubtedly names of the ſame Norwegian or Gothic original; but unfortunately for the authenticity of the poem, Carrick is a recent name, of Celtick etymology, never known in thoſe iſlands, till it was impoſed by Stewart earl of Carrick on a houſe which he built there in the laſt century.

Circle of Loda.

4. The author diſcovered in Wallace's deſcription, and Mackenzie's maps of the Orkneys, a remarkable circle of ſtones, ſimilar to Stonehenge, which, whether erected by the Picts or Norwegians, he has appropriated to his poetry, and dedicated to Loda. That they were raiſed by the Norwegians in the ninth century, and dedicated to Woden, a traditionary name, appears indiſputable. But the origin of Loda, which has no affinity to the twelve names of Odin, ſeems to perplex the commentators on Oſſian. Mallet's Introduction to the Hiſtory of Denmark, which was recently publiſhed, ſuggeſted the idea, and the name was compounded from Odin and

et affinitate per filiarum conjugia ſibi conciliatis, earum poſſeſſionem ſibi confirmavit. Torfæus Orcades, 14. See Eyrbyggia Saga, p 5; Smith's Sean Dana for Cathuil, p. 160.

13 Aboriginal Gaelic names of mountains are preſerved in Wales (Lloyd's Archæologia Pref.); Welch or Cimbrick names in Scotland; and the names of the Weſtern Iſles, and along the coaſt of Caithneſs are ſtill Norwegian. The Picts, whom the Norwegians found in Orkney, (Diploma in Wallace,) have beſtowed their name on the Petland frith which divides it from Scotland; but the Pictiſh names of hills and iſles are not to be diſcriminated from the Norwegian; a proof, at leaſt, that the Picts were not Celts. Nor is there a Celtick name, the unfortunate Carrick excepted, to be found in Orkney.

the

the Edda, with the French article L'Oda prefixed. The author aſſerts in a note that the circles of ſtones in Orkney retain to this day the name of *Loda* or *Loden*, and appeals to Mallet, as a proof that the temple built by Haquin at Drontheim went always under the ſame name of Loden. The firſt aſſertion I know to be falſe; and every reader may ſatisfy himſelf of the ſecond. "Haco," (in 978 appointed tributary earl of Norway by the Danes) "built a temple at Laden, near Drontheim, "not inferior to that at Upſal [14]." When the author cannot adhere to the truth, in an appeal to books to which we have acceſs, the world muſt be forgiven for rejecting the authenticity of the poems, when he appeals to traditions to which there is no acceſs.

III. 1. Among the common claſs of mankind, it is obſerved by Mallet that a ſon remembers his father, knows ſomething about his grandfather, but never beſtows a thought on his more remote progenitors. The ſame argument has always convinced the learned, that poems preſerved upwards of fifteen hundred years by oral tradition, was a fiction utterly unworthy of credit. "It "is indeed ſtrange," ſays Hume in a letter to Gibbon, "that any man of ſenſe could have imagined it poſſible, "that above twenty thouſand verſes, along with num- "berleſs hiſtorical facts, could have been preſerved by "oral tradition, during fifty generations, by the rudeſt, "perhaps, of all the civilized nations, the moſt neceſſitous, "the moſt turbulent, and the moſt unſettled [15]." To eſtimate the full force of this argument, let us remember that three fourths of the civilized world have been employed, ſince the era of Fingal, in the recitation of poems neither ſo long nor ſo intricate as Oſſian's; and conſider Tradition.

14 Haquin Comte de Norvege en avoit bati un pres de Drontheim, a Laden, (the territory, not the temple,) qui ne cedoit guères á celui d'Upſal. Mallet's Intr. i. 79. from Ol. Wormius. Dan. p. 6. Oſſian, ii. 104.

15 Gibbon's Mem i. 149. Mallet's Northern Antiquities, i. 52.

how ſmall a portion of the pſalms or liturgy can be preſerved by memory, much leſs tranſmitted by oral tradition, for a ſingle generation.

Mutability of language.

2. In the fragments publiſhed in 1760, the tranſlator, to prove their antiquity, aſſures us that "the diction is "very obſolete, and differs widely from the ſtyle of ſuch "poems as have been written in the ſame language two "or three centuries ago." That the poems were preſerved by oral tradition, in an obſolete diction, or, in other words, a dialect already diſuſed by the people, is alone ſufficient to confute their authenticity. The mutability of language is counteracted only by letters and the art of printing; which, reacting as a model on converſation, preſerve and perpetuate an uniform and refined dialect, through the whole nation, from age to age. An unwritten language diverges in each province into a different dialect, and in every age aſſumes a new form, although the ſyntax and radical ſtructures may remain. A tune, a tale, a genealogy, a ballad that adopts the diction of each generation, is the utmoſt ever preſerved by tradition; and although the Scottiſh melodies are undoubtedly ancient, the ſongs themſelves are of a recent date. But the Earſe remained an unwritten language till the preſent age. That it has remained invariably the ſame language, ſince the firſt migration of the highlanders to Scotland, is diſproved by its difference from the parent Iriſh, a page of which, a few centuries old, is confeſſedly unintelligible to the people at preſent [16]. That any traditionary poems of Oſſian, of a remote antiquity, are preſerved in the highlands, is refuted by an obvious fact; inſtead of connecting their clans with the Fions, or heroes of Fingal, their bards or ſeanachies have given to Scotland their own ſeries of Dalriadick kings. Fordun and Winton, unable to diſcover materials for their hiſtories in Scotland, had

16 O'Connor's Ogygia vindicated, p. 20.

recourſe

recourſe to Ireland. At the coronation of Alexander III. the highland genealogiſt introduced by Fordun and his continuators, to recite the royal pedigree, inſtead of aſcending from Fergus Mac Erth to Erth, Congal, Fergus, Fingal, and from thence, according to Macpherſon's egregious fictions, to Comhal, Trathal, Trenmor, proceeds through the whole fabulous race, not forgetting Riada, to Fergus I. a ſufficient proof that there was no tradition then of the ſix kings of Morven, whom the highlanders would have communicated to Scotland, along with their genuine liſt of kings. The genealogy of the clans has been puſhed to the utmoſt, but not a ſingle family is derived from the Fions. They were unknown to Monro, dean of the Iſles, in his genealogy of the clans, and are mentioned in Buchanan's Surnames as an Iriſh militia commanded by Fion-macoel, concerning whoſe huge ſtature and exploits, "diverſe rude rhymes were re-"tained by the Iriſh and ſome of the highlanders;" but Martin, who mentions the ſame traditions, and enumerates ſome Iriſh manuſcripts found in South Uiſt, Lloyd, and Mackenzie, to whom they were communicated, were equally ignorant of the kings of Morven, and of Oſſian's Poems [17].

3. No ſooner were the tranſlations publiſhed than the traditionary exiſtence of the poems diſappeared. Of the numerous atteſtations from thoſe who had *heard* or re- Atteſtations.

[17] Monro's Deſcrip. of the Weſtern Iſles and Genealogy of the Clans, MS. Adv. Lib. W. Buchanan's Hiſt. of the Buchanans and Scottiſh Surnames, p. 12. Martin's Weſtern Iſles, 89. 152. 219. The manuſcripts of Beaton, which Martin mentions, were examined by Lloyd, who found three leaves of Cairbar Lifachair's hiſtory which Sir George Mackenzie quoted againſt Stillingfleet, but was unable to read. Stillingfleet juſtly obſerved, that Cairbar, an Iriſh king in 284, had been turned into an author by miſtake. Origines Britannicæ Pref. 42. But Sir George, who diſcovered the hiſtory of Cairbar, (the prince that killed Oſcar at Gabhra, and appears ſo conſpicuous in the Temora,) was ſtill ignorant of Fingal and the kings of Morven, in his reſearches among the highlanders concerning the antiquity of the royal line. Nicholſon's Scottiſh Hiſt. Library, ch. ii. p. 24. Mackenzie, ii. 430.

membered to have *known* the originals none, it is obſervable, ever preſumed to aſſert that they poſſeſſed in writing, or could repeat from memory, much leſs that they had originally furniſhed a ſingle fragment of the poems which Macpherſon had tranſlated. When Johnſon viſited the Weſtern Iſles, the natives had nothing to communicate that deſerved attention. Stone, a collector who preceded Macpherſon, Shaw, the author of the Gaelic Dictionary, Mr. Hill, an Engliſh gentleman, Dr. Young, the preſent biſhop of Clonmore, Sir James Foulis, an enthuſiaſt for Celtick poetry, diſcovered only ſuch rude rhymes of the fifteenth or ſixteenth century, as, Oſſian's religious diſpute with St. Patrick, the battle between Fingal and Magnus, the combats with Con, Muirartack, Ullin king of Spain, Erragon of Lochlin; the death of Oſcar, of Deirdar, and of Dermid who trod on the poiſonous briſtles of a wild boar he had ſlain [18]. In their reſearch for manuſcripts, Johnſon's aſſertion remained undiſproved, that there was not an Earſe manuſcript above a century old. As a proof that the highlanders were neither rude and illiterate, nor the Earſe an unwritten language in Oſſian's days, we are gravely told, in reply to Johnſon, that the Druids, when expelled from Scotland,

[18] See Mr. Hill's Collection in the Gentleman's Magazine, 1782, 3. Dr. Young's in the Tranſactions of the Royal Iriſh Academy, vol. i. From Stone, a ſchoolmaſter at Dunkeld, whoſe poetry appeared in the Scots Magazine 1796, diſcovered nothing but thoſe Iriſh ballads deſcribed above. The late ſir James Foulis applied to Earſe, in his old age, in order to read the epic poems of Oſſian in the original; but when he had acquired the language the epic poems were not to be found. He had nothing to contribute to the Perth edition of Gaelic poetry but thoſe Iriſh ballads; and in his letters, which I am permitted to tranſcribe, he inveighs bitterly againſt Macpherſon. "Oſſian Macpherſon is an execrable fellow. "In ſpite of all that has been ſaid, or ever may be advanced, in favour of "the authenticity of Oſſian's Poems, the concealing his originals will always "be looked on as a convincing proof that he has forged them himſelf. It is "demonſtrable that he has uſed great juggling about what he calls the two "epic poems of Fingal and Temora, and he will probably never ſhew the "original poems."

retired

retired to Iona, where they eſtabliſhed a college, and lived and taught unmoleſted till diſpoſſeſſed in the ſixth century by Columba [19]. There is no proof but conjecture that the Druids ever exiſted in Ireland, where their human ſacrifices, their divination from human victims, and their favourite doctrine of the metempſychoſis were unknown [20]. The fact appears to be certain that there never was a Druid in Scotland; otherwiſe Tacitus, who deſcribes the deſtruction of their order in England, muſt have remarked their influence or exiſtence under Galgacus in the Caledonian war. The man who can thus create an hiſtorical fact, requires nothing but genius to fabricate an epic poem. But when manuſcripts are appealed to, let a ſingle book of Fingal in manuſcript, ſuch as tranſlated by Macpherſon, of an older date than the preſent century, be produced and lodged in a public library, and there is an end of the diſpute. Macpherſon of Strathmaſhie, a poet who aſſiſted in tranſcribing the poems from old manuſcripts, or oral tradition, or whoſe poetry, I preſume, is, in other words, intermixed with his kinſman's, affirms that one of the old manuſcripts which he read or tranſcribed, was dated in 1410; and the credulous Kaims, in his Sketches of Man, was perſuaded to aſſert that the four firſt books of Fingal were contained in a Gaelic manuſcript, written on vellum in 1403, which the tranſlator found in the iſle of Skye [21]. In Trinity College,

Manuſcripts.

19 Smith's Gaelic Antiquities, 68.

20 Cæſar, l. 6. c. 13. The name is nothing. Druid, in the Celtick, ſignifies merely a wiſe man or wizard. But we diſcover no trace in Ireland, on the arrival of St. Patrick, of the doctrines or human ſacrifices of the Druids, whoſe groves were *ſævis ſuperſtitionibus ſacri*, and who intermixing a Phœnician ſuperſtition with barbarous rites, *cruore captivo adolere aras, et hominum fibris conſulere deos fas habebant*. Tacit. Ann. l. 14. c. 30. Strabo, l. 4. p. 198. An eſtabliſhed and well diſciplined prieſthood like the Druids, would have reſiſted, and might have prevented the introduction of Chriſtianity into Ireland. But the moſt learned and rational of the Iriſh antiquaries, Ledwich and Campbell, are ſtill tenacious of the Druids, and the Tuath de Danan; undoubtedly a colony of Damnii from Britain.

21 Blair's Diſſertation on Oſſian; App. Kaims's Sketches, i. 426. The copy of Winton's Chronicle in the Royal Library, the oldeſt Scotch manuſcript

lege, Dublin, and perhaps in the highlands, there are Iriſh manuſcripts of the ballads publiſhed by Hill, Miſs Brooks, and the biſhop of Clonmore. The red book of Clanronald's bard, to which ſuch frequent and confident appeals were made, was recovered from Macpherſon, and contains the genealogy and exploits of the Macdonalds under Montroſe, Colkitto and others, down to 1686, when it was probably written; with ſome ſhort ſongs of the preſent century by Macvuirick the bard, but not a ſingle ſyllable of Oſſian's Poems [22].

But

ſcript extant, is not older than 1421, nor later perhaps than 1430. D. Macpherſon's edit. p. 31.

22 The red book of Clanronald, (Leabhar Dearg,) from the candid communication of the highland ſociety, is now in my hands. It is a duodecimo bound volume, of an hundred and fifty leaves, in the Iriſh character, which the Macvuiricks underſtood and wrote, dated, in the middle of the ſongs, Sept. 8, 1726; but the boards and a few leaves of the beginning and end are loſt, and theſe, it is ſhrewdly ſuſpected, contained the original poems of Oſſian. What is more to the purpoſe, this is the only MS. ſpecified in Blair's Appendix as communicated to Macpherſon. "Mr. "Angus Macneil, miniſter of South Uiſt, affirms that Mr. Macdonald, "a pariſhioner of his, declares that he had often ſeen and read a great part "of an ancient MS. once in the poſſeſſion of the family of Clanronald, and "afterwards *carried to Ireland*, containing many of theſe poems;—and that "Niel Macmurrick, whoſe predeceſſors had for many generations been bards "to the family of Clanronald, declared alſo, in his preſence, that he had "often ſeen and read the ſame old MS. and that he himſelf gave to Mr. "Macpherſon *a manuſcript* containing ſome of the poems, which are now "tranſlated and publiſhed." Had Macpherſon received more than a ſingle volume, the pariſh miniſter muſt have known the fact, when he diſcovered that a MS. had been ſent to Ireland, which, inſtead of Oſſian's poems, appears from Martin, who enumerates the MSS. found in South Uiſt, &c. to have been a life of Columba, then in the poſſeſſion of Macdonald of Benbecula, afterwards chief of Clanronald. Martin's Weſt. Iſles, 264. The family knew of no other than that and Macvuirick's, whoſe ſon is ſtill alive to atteſt the fact. Smith and Macnicol knew of no other when they appealed with ſuch effrontery to the red book of Macvuirick, and the red rhymer, a folio MS. which Macpherſon got from Macdonald of Glenalladale or Kyles; (Smith's Gaelic Antiq. 95. 125. Macnicol's Remarks, 304.) and theſe apparently are the two genealogies which Martin quotes: "Thus far the "genealogiſt Macvuirick and Hugh Macdonald, in their manuſcripts," p. 212. The many duodecimos into which the MS. is now multiplied, are therefore the identical red book of Clanronald, of the ſame ſize and Iriſh character,

But the four firſt books of Macpherſon's Fingal in Earſe, written at the beginning of the fifteenth century, in the ſhort interval between Fordun's and Winton's Chronicles, twenty years before the oldeſt manuſcript extant in the Scottiſh language, is a literary curioſity or forgery which the world has not yet ſeen.

character, which I never yet met with a highlander able diſtinctly to read; the beginning of the fourteenth and of the fifteenth centuries, in which they are ſaid to have been written, are the genealogical dates, 1330 and 1400, which Macpherſon of Strathmaſhie, and others, miſtook for the date of the volume; the vellum, illuminated letters, and number of volumes, at the diſtance of forty years, are merely gratuitous; and Paul Macvuirick, Clanronald's bard, who tranſcribed or collected Oſſian's Poems in the beginning of the fourteenth century, (1300! before the Clanronald family had ſeparated from the lords of the iſles,) is no other than Niall Macmhuirick 1726, whoſe name is annexed in the Iriſh character to moſt of the ſongs. That there are ſome manuſcripts of antiquity in the highlands, I have no doubt; but theſe are evidently Iriſh, as the characters are neither familiar to the highlanders nor the contractions underſtood by their beſt ſcholars; and the knowledge which the Macvuiricks acquired of the Iriſh character, is to be explained by the education of the ſeanachies, genealogiſts, or bards, in Ireland. Macnicol, 268. Whoever conſiders the former intercourſe of the Weſtern Iſlands and Argyle with Ireland, will not be ſurpriſed that ſome Iriſh MSS. imported by the prieſts or bards, as well as the Iriſh tales of the Fions, are diſcovered in the highlands. I have ſeen one of undoubted antiquity, but it is an Iriſh MS. containing the hiſtory of Fergus Roigh king of Ulſter. A collection of Earſe ſongs, in the common hand of the laſt century, at the end of which it was written, demonſtrates that the highlanders were unacquainted then with the Iriſh character; and the new teſtament of biſhop Bedel's Iriſh bible, was reprinted by Kirk, 1690, in the Roman letter, profeſſedly becauſe the Iriſh character was difficult and leſs underſtood. Theſe obſervations are applicable to Mr. Aſtle's ſpecimens of eight MSS. procured from the highlands, of which four relate to the fabulous hiſtory of Ireland, and are undoubtedly Iriſh; three are moral or religious, and grammatical treatiſes, ſciences of which the highlanders were never ſuſpected; but the laſt, a collection of poems of the fifteenth century, of which the ſpecimen is inſcribed Cathal Macmuirnuigh cc. is conſidered as more indiſputably Earſe. Orig. of Writing, 126. But the inſcription is evidently ſuperadded above the illuminated letter, in a larger and apparently a different hand; and as the ſame title, Cathal and Cathal Macmuirneach ccy. is prefixed in the ſame character to different ballads in the red book, we can only conclude that the old MS. belonged alſo, in the preſent century, to the ſame Macvuirick, who inſerted his own name above a favourite ſong.

Manners

IV. 1. The contradiction is not greater, between the primeval refinement aſcribed to the highlanders and their recent barbariſm, than between their real manners at the period of Fingal and thoſe deſcribed in the poems of Oſſian. When invaded by Severus, the Caledonians and Mæatæ between the walls are minutely deſcribed both by Dio and Herodian. The former obſerves that they poſſeſs dry and rugged hills, or deſert and marſhy plains. Deſtitute of walls, of towns, and of agriculture, they ſubſiſt by paſturage, hunting, or fruits, (for they abominate fiſh though abundant,) and reſide in booths, naked and without ſhoes, uſing their women, and ſupporting their children, in common. Their government is moſtly democratical. They delight in robbery, and fight from cars, with ſmall and ſwift horſes; but their infantry is equally firm in action and rapid in purſuit or flight. Their arms are a ſhield, a dagger, and a ſhort dart, with a brazen apple towards the point, to aſtoniſh the enemy with the ſound when brandiſhed. They are inured to hunger, cold, and fatigue; immerſed in their moraſſes, with their heads only above water, they can endure hunger for many days, or ſubſiſt on roots and bark in the woods. "Towards the ſea," ſays Herodian, "moſt parts "of Britain are full of marſhes, through which the bar- "barians are accuſtomed to ſwim or wade, diſregarding "the mud, as they are almoſt naked; for they are unuſed "to cloaths, encircling their loins and neck with orna- "ments of iron, a mark of wealth which they prize like "gold. Their bodies are ſtained with figures of animals. "They are warlike and blood-thirſty; armed only with "a narrow ſhield and a lance, with a ſword depending "from their naked bodies; but without helmet or mail, "which they deem an impediment in croſſing their "marſhes, whoſe vapours perpetually obſcure the ſky." Such were our ſavage Caledonian anceſtors; the preſent highlanders had not then arrived; but their Iriſh anceſtors were ſtill more barbarous. *Gens inhoſpita et bellicoſa*,

ſays Solinus. *Sanguine interemptorum hauſto, prius victores vultus ſuos oblinunt. Fas ac nefas eodem animo ducunt.* Jerom, an eye witneſs, aſſerts that, in the third century, the Attacotti were addicted to human fleſh. Although we reject the fact, with the community of women among the Caledonians, a people obnoxious to ſuch imputations muſt have been truly barbarous, and we are aſſured by Gildas that the Picts, and their allies the Scots, were ſtill ſavages at the departure of the Romans. *Emergunt certatim de carucis, tetri Scotorum Pictorumque greges, moribus ex parte diſſidentes, et una eademque ſanguinis fundandi aviditate concordes; furciferoſque magis vultus pilis, quam corporum pudenda, pudendiſque proxima, veſtibus tegentes* [23].

Compared with Offian's.

2. When we return to the poems of Offian, I ſhould inſult the reader's underſtanding were I to expatiate on the groſs contradictions between the generous heroes, the chaſte or loveſick maids, clad in complete ſteel; feaſting from ſparkling ſhells, in the halls of moſſy towers, traverſing the northern ocean in large ſhips, yet ſubſiſting ſolely on veniſon; and thoſe naked, ſanguinary barbarians, armed with a ſmall ſhield, a dart, a dagger; almoſt deſtitute of iron, which they prized like gold; reſiding promiſcuouſly in wattled booths, and poſſeſſed of no navigation but currachs, which croſſed the Iriſh channel, ſays Solinus, during a few days only at the ſummer ſolſtice. If the poems, though not quite ſo ancient, are ſaid to be ſtill authentic, my anſwer is this: As the hunting, paſtoral, and agricultural ſtages of ſociety, the virtue, and ſupreme felicity of the ſavage ſtage, are the peculiar doctrines of modern times, the poems muſt either belong to the preſent age or to the age which they deſcribe; and if once admitted that the poems are aſcribed to Offian by a poſterior bard, the concluſion is inevitable; that there was no age ſo likely as the preſent, none ſo capable as Macpherſon to produce the impoſture. The Caledo-

23 Dio Caſſius, l. 21. p. 339. Herodian, l. 3. c. 47. Solinus, ch. 30. Gildas, ch. 15.

nians

nians and Iriſh, if deſtitute of agriculture [23], were already far advanced in the paſtoral ſtate; their horſes and cattle were domeſticated; their cars are infallible marks of a paſtoral nation, recently migratory; in the Hebudes they ſubſiſted on milk and fiſh; but the poems of Oſſian are deſcriptive of the manners and cuſtoms of every age but thoſe of his own. The alluſions to herds and harveſts, which occurred in the firſt Fragments, were eaſily ſuppreſſed; but the tranſlator knew not what to avoid, nor what cuſtoms to aſcribe to the age. No religious adoration, ſacrifices, or rites; nothing peculiar to the age is deſcribed; but the ſavage ſtate is gratuitouſly inveſted with more than the generous gallantry of chivalry, the morals of chriſtianity, or the ſentimental affectation of the preſent times.

Religion omitted.

3. But religion was avoided, as a dangerous topic that led to detection. The gods and rites of the Caledonians were unknown; and for this omiſſion, the tranſlator informs us, from the moſt authentic tradition, that the Druids were extirpated by Trenmor the great grandfather of Fingal. Not ſatisfied with ſuch authentic tradition, the other Macpherſon aſſures us, with the ſame plauſibility, that as religion was appropriated to the Druids, epic and heroic poetry to the bards, Oſſian durſt not encroach on the province of thoſe whom his anceſtor had expelled [24]. In rude ſocieties, religion is interwoven, and ſo intimately blended with the fine arts which it ſupports, that unleſs ſupported in return by poetry, painting, ſculpture, muſic, or eloquence, it muſt ceaſe to exiſt. From the danger, however, or the difficulty of inventing a religious mythology, the author has created a ſavage ſociety of refined atheiſts, who believe in ghoſts but not in deities, and are ignorant or indifferent to the exiſtence of ſuperior powers.

[23] The Earſe etymology of Cruithnich, wheat-eaters, the name of the Picts (from Cruthen the firſt Pictiſh king) is an admirable proof that wheat was the bread-corn of Scotland before the birth of Chriſt.

[24] Oſſian, ii. 218. Dr. Macpherſon's Critical Diſſertation, 207.

4. The

4. The ſame difficulty occurred in the adaptation of circumſtances, peculiar cuſtoms, or rites, to the age. A nation was never deſtitute of ſome name for its favourite liquor; but mead is ſtill unknown in the highlands: without agriculture there was neither whiſkey nor ale; and the beverage of the Celts was left to obſcure conjectures on the ſtrength of ſhells; Roman wine, as Macpherſon inſinuates: a conjecture, ſays the credulous Whitaker, utterly incredible. In the firſt fragments of Fingal, the tree of the ruſtling leaf [25] was the trembling poplar, *cran na crith* or *crithian*, a literal tranſlation of the Saxon aſpin: but the tranſlator diſcovered that the poplar was introduced by the Romans, and ſuppreſſed the name. The yew tree, *Jubhar*, from the Saxon and German derivation of the name, and from the care to plant and preſerve it in church-yards, was certainly not indigenous; yet it occurs repeatedly as a foreſt tree. In the hiſtory of Ireland, the ſilence with reſpect to the exiſtence or deſtruction of the mooſe deer, whoſe large horns are found in its bogs, is a ſufficient refutation of its Mileſian antiquity, and pretenſions to letters before the chriſtian era; and in the poetical annals of a tribe of hunters, the omiſſion of the wild cattle, the wolves and boars of the Caledonian foreſt, reflects the ſame diſcredit on the authenticity of Oſſian [26]. The method of dreſſing veniſon in pits lined with hot ſtones and covered with heath, the only appropriate cuſtom of the age, is tran- Cuſtoms.

25 From Thomſon's Spring: l. 155.

"When not a breath
"Or *ruſtling* turn the many twinkling *leaves*
"Of aſpin tall."

26 The deſtruction of the mooſe deer in Ireland is aſcribed by ſome to a murrain incident to the Elk in Lapland. Wright's Louthiana, part iii. p. 20. Ledwich's Antiq. 127. Wolves were common in the highlands till the laſt century. The boar occurs in the Lives of Columba. The Britiſh and Caledonian bears are mentioned by Plutarch, Martial, and Claudian; and the wild cattle are ſtill preſerved in parks. But Macpherſon appropriates the wild boar to Scandinavia, and tame cattle to Ireland, i. 258.

ſcribed

ſcribed from Keating's account of the Fions, the militia of Ireland, who lived at free quarters in winter, and ſubſiſting by hunting or fiſhing in ſummer, a minute deſcription is given of the mode of preparing their game [27]. In Homer, we attend the heroes at their altars, and the repaſts which they prepare themſelves. We attend Penelope to the loom, and enter ſo completely into the whole economy of their military and domeſtic life, that it requires ſome criticiſm to diſcover that Homer lived at a more improved period than the age he deſcribes. As Virgil flouriſhed at a later period, the remote characters and ſcenes are leſs diſtinctly pourtrayed. From the genuine Oſſian, a contemporary diſtinguiſhed among the heroes whom he celebrates, we ſhould obtain, if not an accurate delineation of their characters, ſome inſight at leaſt into the domeſtic manners, arts, and occupations of the early Caledonians; ſome account of their dreſs, diverſions, houſes, beverage, and religious rites. But from Oſſian's reputed father, nothing more was to be expected, in the eighteenth century, than from his model Fenelon's deſcription of the Greeks. The cuſtoms of every ſubſequent age were unavoidably appropriated to the earlieſt, of which he was ignorant. In the Orkneys and Weſtern Iſles he diſcovered the Norwegian temples or circles of Thor and Woden, but forgot the worſhip and human ſacrifices to which they were appropriated. From an Iriſh ballad of the ſixteenth century, he tranſcribes the offer of an hundred hawks, an hundred handmaids, an hundred ſanctified girdles, an apple, or arrow of gold, as tribute from hunters equally ignorant of hawking, female ſervitude, popiſh ſaints, and the precious metals [28]. But the ideal manners of romance, the inſipid outlines of perfect, ſentimental heroes, prevail throughout. The very ſhields reſound, when ſtruck, like

[27] Keating's Hiſt. of Ireland, 269.

[28] Oſſian, i. 398. Tranſactions of the Royal Iriſh Academy, i. 88. Martin's Weſtern Iſles, p. 9.

an Indian gong; an abſurd imitation of the brazen baſin or targe ſuſpended, to be ſtruck by the challenger, at the bridge or portals of the caſtles of Romance.

V. 1. The origin of the poems may be diſtinctly traced. On awaking from a long lethargy that ſucceeded the union, the Scots, with their national ardour, ſprung forward towards induſtry and commerce, and began to vie with the Engliſh in every literary purſuit. In philoſophy and hiſtory Hume and Robertſon had acquired an unrivalled excellence. The laurels of Thomſon were recent. Home, whoſe Douglas was overvalued by his countrymen, had produced a promiſing ſpecimen of tragedy, from which much was expected; and nothing was wanting under a Scottiſh miniſter, the patron of genius, but an epic poet to emulate Milton. We know that Homer and Milton were blind, but a third blind bard, like them the author of two epic poems, muſt be aſcribed to imitation not to chance. Macpherſon, in one of his prefaces, informs us himſelf, "that he has ſerved "his apprenticeſhip in ſecret to the muſes;" when encouraged by Wilkie's Epigoniad, he undertook to give an epic poet to Scotland. The fact is, that Macpherſon was the author of three epic, or heroic, poems. The firſt was the Highlander, in ſix Cantos, publiſhed at Edinburgh in 1758, four years before the appearance of Fingal[29]. The diſcovery of an epic, poem by the tranſlator of Oſſian, is itſelf the ſtrongeſt proof that the author, not ſucceeding in poetry profeſſedly modern, aſcribed his ſubſequent productions to a remote antiquity, to enſure a more

Origin of the poems.

Macpherſon's firſt epic.

29 Its authenticity is certain. A copy preſented by the author, ſoon after its publication, to Mr Colin Campbell, now collector of cuſtoms at Fort William, was communicated by him to Mr. Alexander Campbell, author of an Introduction to the Hiſtory of Scottiſh Poetry, (Edinburgh 1798, 4to) by whoſe favour it is now in my hands Mr. Campbell quotes and contraſts it with the opening of Fingal, from its inferiority to prove the authenticity of Oſſian. But the world will be apt to pronounce a very different concluſion, on the diſcovery of an additional epic poem by the father of Oſſian.

favourable

favourable reception, and attract the public attention to their merit. But the argument becomes invincible, if it ſhall appear that the ſame plot and inflated phraſeology, the ſame imagery and incidents are repeated and preſerved in the poems of Oſſian.

The Highlander,

2. When the Highlander is examined, its plot exhibits the very outlines of Fingal. Swein, king of Norway, invading Scotland with a large fleet and a numerous army, is oppoſed by Indulph, its ſeventy-fifth king. Alpin, a young chieftain from Lochaber, joins the Scottiſh army; explores the Norwegian camp by night; engages in ſingle combat, and exchanges ſhields with Haco; and the battle is decided next day by his proweſs and addreſs; the Norwegian fleet is burnt, and the invading army deſtroyed. Haco, overpowered with his band, on retreating to a wood, is generouſly permitted to depart by Alpin, whom Indulph diſcovers to be his nephew, the ſon of Malcolm I. preſerved in his infancy from his father's murderers; and on his marriage with Culena, the king's daughter, *Duffus*, by the accidental death of his uncle, ſucceeds to the throne. It is obvious that Swein is converted into Swaran in Fingal; with this difference only in the plot, that the ſcene of invaſion is transferred from Scotland to Ireland, and the time from the tenth to the third century.

Tranſcribed in Fingal.

3. That the Highlander is inferior to Fingal affords no preſumption whatever that the latter is authentic. The author was then twenty-one; his native language was Earſe; his taſte was not yet formed; he had not attended Dr. Blair's lectures, nor acquired the graces or a ſufficient command of the Engliſh language. But the poem diſcovers much of the ſame imagery and incidents with Fingal; green meteors, mountains, maids in armour, ſtorms and ghoſts. The ſame ambitious phraſeology, ſtraining after the ſublime, which is ſo apt to degenerate into bombaſt in Oſſian, becomes quite ludicrous in the

Highlander,

Highlander, from the untutored taſte of the author. Such expreſſions as theſe, which repeatedly recur: "he "fixed his rainy eyes on ground; fierce Denmark belches "numbers on our land; the gleaming journey of the "ſword, talks on its way; ſteel ſpeaks on ſteel, and cuts "its brazen journey through the aim; acroſs the ſilver "errors of the Tay; groans, ſpeak on the pinions of the "ſouthern gale; the kindling virgin flames along the "tale; and ſend the palace flaming to the ſkies;" however ridiculous, are derived from the ſame ſource with Oſſian's ſtyle; a cloſe imitation of Gray's alliteration and Maſon's bombaſt. But the following ſimiles, to be recognized as Oſſian's, require only to be tranſlated into heroic proſe.

"Thus on a night when rattling tempeſts war,
"Thro' broken clouds appears a blazing ſtar;
"Now veils its head, now ruſhes on the ſight,
"And ſhoots a livid horror thro' the night."

"The wind comes down on the woods; the torrents "ruſh from the rocks; rain gathers round the head of "Cromla; the red ſtars tremble between the flying "clouds." Oſſian, i. 255.

"Athwart the gloom the ſtreaming meteor ſails—
"Kindles a livid circle as it flies."

"The clouds divided fly over the ſky, and ſhew the "burning ſtars. The meteor, token of death, flies "ſparkling through the gloom; it reſts on the hill." Id. 134. Edit. 1773.

"The Scots a ſtream, would ſweep the Danes away,
"The Danes a rock, repel the Scots array"—
"The ranks of Sweno ſtand in firm array,
"As hoary rocks repel the raging ſea."

" As roll a thouſand waves to a rock, ſo Swaran's " hoſt came on. As meets a rock a thouſand waves, ſo " Erin met Swaran of ſpears.—" Frothal came forth with " the ſtream of his people. But they met a rock. Fin- " gal ſtood unmoved. Broken they rolled back from his " ſide." Id. 65. 235.

" On either ſide they ſtretched the manly line,
" With darting gleam the ſteel clad ridges ſhine;
" On either ſide the gloomy lines incede,
" Foot roſe with foot, and head advanced with head—
" Thus when *two winds* deſcend upon the main,
" To fight their battles on the watry plain;
" In two black lines the equal waters crowd,
" On either ſide the white-top'd ridges nod,
" At length they break and raiſe a bubbling ſound,
" While echo rumbles from the rocks around."

" Behold the battle of the chiefs! It is the ſtorm of " ocean when *two ſpirits* meet far diſtant, and contend for " the rolling of the waves. The hunter [30] hears the noiſe " from his hill; he ſees the high billows advancing to " Ardven's ſhore." Oſſian, i. 302. " The kings were " like two ſpirits of heaven, ſtanding each on his gloomy " cloud; when they pour abroad the winds, and lift the " roaring ſeas. The blue tumbling of waves is before " them, marked with the paths of whales." ii. 63. " As " meet two troubled ſeas with the rolling of all their " waves, when they feel the wings of contending winds, " on the rock ſided frith of Lumon; along the echoing " hills is the dim courſe of ghoſts; from the blaſt fall the " torn groves on the deep, amidſt the foamy path of " whales [31]. So mixed the hoſts." Id. 167.

" Prone

[30] From Homer's Shepherd, to be quoted in the ſequel.

[31] To gratify the reader, the following paſſages are ſelected, in which the phraſeology and imagery of Oſſian are equally diſcernible.

" Thro'

" Prone on the ſtrand, extended every way,
" Clad o'er with ſteel, a ſhining trunk he lay;
" Thus on its lofty ſeat ſhould winds invade,
" The ſtatue keeps the memory of the dead;

" It

" Thro' their tall ſpears the ſinging tempeſt raves,
" And falling headlong on the ſpumy waves,
" *Purſues* the *ridgy* ſea with awful roar,
" And throws the liquid *mountains* on the ſhore;
" In each ſhort pauſe, before the billow breaks,
" The clanking Caledonian armour ſpeaks."

" The ſprightly morn with early bluſhes ſpread,
" *Rears* o'er the eaſtern hill her roſy head,
" The ſtorm ſubſides, the breezes as they paſs,
" *Sigh on their way* along the pearly graſs."

" In humid reſt her bending eyelids cloſe;
" With ſlow returns her boſom fell and roſe;
" At length returning life her boſom warms,
" Glows in her cheek, and lights up all her charms;
" Thus when invading clouds the moon aſſail,
" The landſcape fails, and fades the ſhining vale;
" But ſoon as Cynthia ruſhes on the ſight,
" Reviving fields are ſilvered o'er with light."

" Thus on expanded plains of heavenly blue,
" Thick gathered clouds the queen of night purſue;
" And as they crowd behind their ſable lines,
" The virgin light with double luſtre ſhines."

" Two *oaks* from earth, by headlong tempeſts torn,
" Supply the fire, and in the circle burn."

" Thus on the heathy wild, the hunted deer
" Start at each blaſt, together crowd with fear,
" Tremble and look about, before, behind,
" *Then ſtretch along*, and leave the mountain wind."

" At the approaching noiſe, the ſtarting deer
" Crowd on the heath, and *ſtretch away* in fear—
" Each from the herd ſelects a flying hart."

" Now in the bluſhing eaſt the morn aroſe,
" Its lofty head, *in grey*, the palace ſhews."

" It quakes at every blaſt, and nods around,
" Then falls a ſhapeleſs ruin on the ground."

" Like a young oak falls Turlathon with all his branches " round him," ii. 63. " Cairbar lay like a ſhattered rock, " which

" On the blue heavens aroſe a night of clouds,
" The radiant lord of day his glory ſhrouds,
" The ruſhing whirlwind ſpeaks with growling breath,
" Roars through the hill, and ſcours along the heath, &c."

" The mid-day ſun pours down his ſultry flame,
" And the wet heath waves, gliſtering in the beam,
" Tall ſhips advance afar; their canvas fails
" In their *ſwoln boſoms* gather all the gales."

" Thus ſpungy clouds on heaven's blue vault ariſe,
" And float before the wind, along the ſkies;
" Their wings oppoſed to the illuſtrious ſun,
" Shine as they move majeſtically on."

" Your fires oft brought the *Roman eagle* down,
" When Romans thundered on our Albion's ſhore."

" While thus the king and noble chiefs rejoice,
" Harmonious bards exalt the tuneful voice;
" A ſelect band, by Indulph's bounty fed,
" To keep in ſong the memory of the dead,
" They handed down the ancient rounds of time,
" In *oral ſtory*, or *recorded rhyme*;
" Thus in the ſtream, the bards impetuous roll,
" And quaff the generous *ſpirit of the bowl*."

" Behind the dead the mournful bards appear,
" And mingle with their elegies the tear,
" A mournful train of tear diſtilling maids."

" The ponderous ſpear ſupports his duſky way,
" The waving ſteel reflects the ſtellar ray.—
" Thus when ſtrong winds the aged tower invade
" And throw the ſhapeleſs ruin from its head."

The reader verſant in Oſſian will eaſily recognize theſe paſſages. Macpherſon was unequal to rhyme, and in the meaſured proſe ſuggeſted by Louth's Prælections, (De Sacra Poeſi Hebræorum, p. 30.) was relieved even

" which Cromla ſhakes from its ſhaggy ſides, when the " green vallied Erin ſhakes its mountains from ſea to ſea." Id. 15. " As the ſtone of Loda falls, ſhook at once from " rocking Drumanard, when ſpirits heave the earth in " their wrath, ſo fell blue ſhielded Rothmar." Id. 104.

" But ſtill fierce Denmark made a broken ſtand ;
" Here ſtands a ſquadron, there a gloomy band,
" Rears a firm column on the rocky ſhore,
" Makes the laſt effort of a dying power ;
" Thus after fire thro' lanes its way has took,
" A proſtrate village lies o'erwhelmed in ſmoke,
" But here and there, ſome ſable turrets ſtand,
" And look a diſmal ruin o'er the land."

" Behold how Lochlin divides on Lena! They ſtand " like broken clouds on a hill, or an half conſumed grove " of oaks ; when we ſee the ſky through its branches, and " the meteor paſſing behind," i. 294.

" Awful the chief advanced, his armour bright
" Reflects the fires, and gleams along the night ;
" Hovering he ſtood, above the ſleeping band,
" And ſhone an awful column o'er the ſtrand ;
" Thus often to the midnight traveller
" The ſtalking figures of the dead appear ;
" Silent the ſpectre towers before the ſight,
" And ſhines an awful image through the night ;
" At length the giant phantom hovers o'er
" Some grave unhallowed, ſtained with human gore—
" Before my eyes a ghaſtly phantom ſtood,
" A mangled man, his boſom ſtained with blood ;
" Silent and ſad the phantom ſtood confeſt,
" And ſhewed the ſtreaming flood-gates of his breaſt."

even from the conſtraint of verſe. His heroes in the Highlander are Dumbar, Graham, Somerled, Scottiſh chieftains! whom, as his firſt Eſſay was neglected by their deſcendants, he abandoned afterwards for the Celts.

Theſe, and other images, tranſcribed and improved in Oſſian, are marked with a ſtrong poetical, but uncultivated genius, ſuch as Macpherſon always poſſeſſed; for with much imagination, an occaſional ſublimity, and ſometimes an exquiſite pathos, he never acquired a correct or refined taſte. The ſame incidents are alſo repeated. The nocturnal combat and exchange of friendſhip with Haco, recurs in Swaran's rencounter with Fingal in the Cathloda, and in Oſſian's interview with Cathmor in Temora. A ſoldier returning wounded from the field, expires in the Highlander before his tale is told. Calmar returns mortally wounded in Fingal, to warn Cuthullin of Lochlin's approach. Alpin and Oſcar ſolicit an enterpriſe, in the ſame terms, as unknown to fame. "Oſcar is like "the miſt of Cona: I appear and I vaniſh away." i. 196.

"But I gleam once, then ſink and am no more."

The flame of the oak, the boſſes of the ſhields, the ſecond ſight, and even the purſuit of the deer on the heath, occur in the Highlander. White boſomed ſails and maids, the Roman eagle, ("ſpreads he the wings of his pride;" Oſſian,) and the bards themſelves are introduced, to quaff the generous ſpirit of the bowl, the ſtrength of the ſhells, and to preſerve the memory of the dead, in oral ſtory or recorded rhyme. And the fair Aurelia, like Sulmalla and "the eternal ladies in mail," attending on Haco in the diſguiſe of a young warrior,

"Wields in her ſnowy hand the aſpin ſpear;
"The ſilver mail hung round her ſnowy waiſt;
"The corſlet riſes on her heaving breaſt."

Fragments. 4. As the Highlander fell ſtill-born from the preſs, the author transferred his pen from poetry, profeſſedly original, to the more profitable taſk of tranſlation from the Earſe. The Fragments of ancient Gaelic Poetry were

were firſt circulated in manuſcript, and publiſhed at Edinburgh in 1760, two years after the Highlander *diſappeared*, when the author's taſte and ſtyle were conſiderably improved. The public were prepared for Earſe poetry, by ſome fantaſtic tales of Jerom Stone's, in the Scots magazine; but the Fragments coincided happily with the ſentimental vein, which Young's Night Thoughts, Gray's inimitable Elegy, Shenſtone's Paſtorals, and Sterne had introduced. Men of more taſte than claſſical or hiſtorical knowledge, believed them authentic; the novelty of meaſured proſe pleaſed, and perſuaded the public that the *tranſlator* had no ambition to become a poet. The Fragments contained the opening, and ſome epiſodes of Fingal, with an intimation that the whole might be recovered if encouragement were given; and from the proſpect of obtaining a national Epopee, a ſubſcription was raiſed, and the author diſpatched to the highlands in queſt of epic poems. His ſituation then was obſcure and indigent. Originally a ſchoolmaſter in Badenoch, afterwards a domeſtic tutor, he was then a ſtudent of divinity, employed as corrector of the preſs by Balfour the bookſeller; but the ſubſcription impoſed an obligation to perſiſt in the original deceit. The ſimilar impoſture and ſucceſs of Hardiknute, which had furniſhed the fable of his Highlander, might encourage him to proceed. But I believe that Fingal was already ſketched out, from the Iriſh ballads and traditions of his battles with Magnus and others, which promiſed to ſupply Macpherſon with heroes, incidents, and a few occaſional epiſodes. The Temora had not then occurred, as appears from a ridiculous Fragment on the death of Oſcar[32]. Fingal.

Two

[32] Dermid and Oſcar fight a duel for Dargos's daughter. Oſcar, grieved at his friend Dermid's death, perſuades his miſtreſs to ſhoot an arrow at the ſhield of Gormal, (converted in Oſſian into a mountain in Sweden,) behind which he conceals himſelf ſo dexterouſly as to receive a mortal wound; and his miſtreſs "pierces her white boſom with ſteel." No Greek poet durſt have deviated from the death which Homer aſſigns to Achilles.

Two years after his retreat to the highlands, the poems of Oſſian were prepared for the preſs. A large ſubſcription was raiſed, under the patronage of lord Bute, and the epic poem of Fingal was publiſhed at London, in 1762, with the leſſer poems and the firſt book of the Temora, ſuggeſted by the fabulous palace of Teamor in Keating, and the Iriſh ballad containing the real hiſtory of Oſcar's death. The Temora was afterwards *tranſlated* or extended to eight books, at lord Bute's deſire, and publiſhed with additional poems, without a ſecond expedition to the highlands; but Moilena, in King's county, and the palace of Temora, at Tara in Meath, were transferred to Ulſter, by another fatal miſtake, like

Temora.

Achilles, Patroclus, or Hector. But Macpherſon informs us in a Note to the firſt book of Temora, publiſhed with Fingal, that a *more correct copy* of the Fragment coming into his hand, enabled him to rectify the miſtake. In this new edition of the Fragment, Oſcar is converted into the ſon of Caruth who bore the ſame character and name with Oſſian's ſon. Fingal, 1ſt edit. p. 190. Thus all is falſehood together. In the next Fragment, Gaul, the ſon of Morni, is an enemy who encounters Fingal; and after a wreſtling match, wherein "their bones crack like the boat of ocean, when ſhe leaps "from wave to wave, and the earth is ploughed with their heels; the "aged overcame, and the tall ſon of Morni is bound." Frag. 39. The wreſtling match is transferred to Fingal, with which it was impoſſible to incorporate the Fragment as an epiſode. The ſixth, converted in Fingal into the maid of Craca, is the only fragment for which there is the leaſt authority: but how different from the original, the maid's tragedy, or the combat of Oſcar and Illan, the king of Spain's ſon who ſlew one third of the Fions in Ireland. Tranſ. Royal Iriſh Academy, i. 76. Though his taſte was improved in the Fragments, Macpherſon ſtill retained the extravagance of the Highlander. In the laſt mentioned Fragment; "there "was the claſhing of ſwords, there the *voice of ſteel*. They ſtruck and "they thruſt; they digged for death with their ſwords; but death was "diſtant far and delayed to come. The ſun began to decline, and the "cowherd thought of home; then Oſcar's keen ſteel found the heart "of Ullin." The ninth Fragment of Ronan and Rivine ſupplied Home with a tragedy, the Fatal Daughter, or Marriage, I forget its name. But the ſtrongeſt mark of his improved taſte is the omiſſion of the following paſſage, of a warrior running up hill, (the moſt bombaſt I ever read,) in the laſt Fragment, when inſerted as an epiſode in Fingal. "Lamderg ruſhed "on like a ſtorm; on his ſpear he leapt over rivers; few were his ſtrides "up the hill; the rocks fly back from his heels, loud craſhing they "bound to the plain." Frag. p. 70. He lived, but durſt not write in verſe, when his taſte was matured.

Carrick-

Carrick-Thura and Balclutha, which deſtroys the authenticity of the whole poem [33].

VI. 1. Another copious and curious ſource of detection is the conſtant imitation of the claſſicks, ſcriptures, and ſuch temporary publications as were then in vogue. To obviate the imitations of ſcripture, the venerable Dr. Blair would perſuade the public, that oriental poetry might be termed, with the ſame propriety, occidental, as it is characteriſtical rather of an age than of a country, and in ſome meaſure belongs to all nations in a rude and early ſtate. Perhaps it is ſufficient to obſerve, that although the modern poets, whoſe inſpiration is imbibed at the ſame ſource, muſt reſemble, and may appear to imitate each other, yet no ſuch ſimilarity ſubſiſts between Solomon and Theocritus, the Pſalmiſt and Pindar, Iſaiah and Homer; much leſs between them and the northern Scalds. Between the earlier claſſicks and the ſcriptures there is no reſemblance, much leſs an apparent imitation: but the author, deſirous to appropriate Oſſian to a remote antiquity, would imitate both. Inſtead of a few paragraphs, the ſubject would require a ſeparate diſſertation; but the leſs obvious imitations to which the reader may refer, are oſtentatiouſly marked in the firſt edition as parallel paſſages, in which Oſſian has happily equalled or excelled the originals [34]. Imitations

2. Cathloda, the firſt poem in the preſent arrangement, was publiſhed among the laſt, as a ſtudious imitation of Scandinavian manners. Starno and Swaran invoke Of the Claſſicks.

33 Archdale's Monaſticon Hibern. 389. Keating, 135. 217. O'Flaherty Collect. Hibern. iii. 512. Dedication of Temora to lord Bute. Macpherſon miſtook Temora in Leinſter, for Emania, the fabulous palace of the kings of Ulſter.

34 The parallel paſſages quoted with ſuch exultation on any minute improvement of imagery, or refinement in diction, can be explained only by the well known ſtory of Jervas the painter. Having ſucceeded happily in copying, he thought in ſurpaſſing, a picture of Titian, he looked firſt at the one, then at the other, and then, with parental complacency, cried poor little Tit! how he would ſtare! Orford's Anecd. of Painting.

the

the hawks of heaven to feaſt on their enemies; a new image, unknown amidſt Swaran's exploits in Fingal, till ſuggeſted by Regner Lodbrok's death-ſong, quoted and communicated, I preſume, by Dr. Blair to the author. But it appears from the following deſcriptions in Fingal, in the preface, and in the Cathloda, that Oſſian was equally verſed in Milton and Tibullus, to which Grainger's recent tranſlation had attracted the Celtic bard. "She "came in all her beauty, like the moon from the cloud of "the Eaſt. Lovelineſs was around her as light. Her "ſteps were the muſic of ſongs," i. 260. "Awe moved "around her ſtately ſteps; like two ſtars were her "radiant eyes; like two ſtars that riſe on the deep, when "dark tumult embroils the night."—"If on the heath ſhe "moved, her breaſt was whiter than the down of Cana; "if on the ſea-beat ſhore, than the foam of the rolling "ocean. Her eyes were two ſtars of light; her face "was heaven's bow in ſhowers; her dark hair flowed "round it like ſtreaming clouds. Thou wert the dweller "of ſouls, white-handed Strinadona." i. 24.

"Grace was in all her ſteps, heaven in her eye,
"In every geſture dignity and love."

"Illius ex oculis, quum vult exurere Divos,
"Accendit geminas lampadas acer amor.
"Illam quidquid agit, quoquo veſtigia movet,
"Componit furtim ſubſequiturque decor.
"Seu ſolvit crines, fuſis decet eſſe capillis;
"Seu compſit, comtis eſt veneranda comis.
"Urit, ſeu Tyria voluit procedere palla,
"Urit, ſeu nivea candida veſte venit.
"Talis in æterno felix Vertumnus Olympo,
"Mille habet ornatus, mille decenter habet."

TIB. l. 4. 2.

The four firſt lines of Tibullus were certainly in Milton's contemplation at the time. But his paraphraſe, "grace

"was

" was in all her ſteps, in all her geſtures dignity and love," is more literally tranſcribed by Macpherſon in, lovelineſs was around her as light, her ſteps were the muſic of ſongs. The next paſſage, " if on the heath ſhe moved, her breaſt " was whiter than the down of Cana; if on the ſea-beat " ſhore, than the foam of the rolling ocean," exhibits the peculiar conſtruction of Tibullus. *Seu ſolvit crines, fuſis decet eſſe capillis; ſeu compſit, comtis eſt veneranda comis; urit ſeu Tyria, urit ſeu nivea.* The remaining images are alſo preſerved. " Her eyes were two ſtars of light— " like two ſtars were her radiant eyes;" *illius ex oculis quum vult exurere divos*: " heaven in her eye;" *accendit geminas lampadas acer amor.* " Her dark hair flowed round " it like ſtreaming clouds;" *fuſis decet eſſe capillis;* and the imitation is concealed only by the adulteration of Tibullus and Milton, debaſed and reduced to poetic proſe. " Stri- " nadona, dweller of ſouls," is equally unintelligible with the following bombaſt in the ſame poem: " Whence is " the ſtream of years; whither do they roll; where have " they hid in miſt their many coloured ſides." i. 29. borrowed, however, from a ſublime paſſage in Blair's Grave.

" Son of the morning, whither art thou fled,
" Where haſt thou hid thy many ſpangled head."

3. The fragments, publiſhed while the author ſtudied divinity, are more deeply tinged with his profeſſional purſuits. That nothing might be loſt they are awkwardly ſtrung together in Carrick-Thura, or inſerted as epiſodes in the *epic paſtoral Fingal.* The ſcripture ſtyle is preſerved in Fingal, to whom the queen of Sheba's addreſs to Solomon is applied [35]; but Comala, and the epiſodes in Scriptures.

35 Happy are thy people O Fingal; thou art the firſt in their danger, the wiſeſt in the days of their peace, &c. i. 302. Happy are thy men, and happy are theſe thy ſervants, which ſtand continually before thee and hear thy wiſdom. 2 Chron. 9. 7.

Carrick-

Carrick-Thura, are little elſe than an ambitious imitation of the ſong of Solomon; an adaptation of its images and peculiar phraſeology, to the ſcenery and paſtoral ſtate of the highlands. The ſtyle and images of ſcripture are eaſily diſcerned in the following paſſages. "Who "fell on Carun's ſounding banks? Was he white as "the ſnow of Ardven? blooming as the bow of the "ſhower? Was his hair as the miſt of the hill? ſoft "and curling on the day of the ſun? Was he like the "thunder of heaven in battle? fleet as the roe of the de-"ſert?" i. 42. "Who is this," ſays Solomon, "that "cometh out of the wilderneſs like pillars of ſmoke; "leaping upon the mountains like a roe, or a young "hart; terrible as an army with banners; my beloved "is white and ruddy, the chiefeſt among men. Thy "hair is as a flock of goats that appear from Gilead." Canticles paſſim. "Look from thy rock, my love, let "me hear the voice of Comala; come to the cave of my "reſt, the ſtorm is paſt, the ſun is on our fields; come "to the cave of my reſt, huntreſs of echoing Ardven."— "O my dove," ſays Solomon, "thou that art in the clefts "of the rock; let me ſee thy countenance, let me hear "thy voice. Lo the winter is paſt; the rain is over and "gone; ariſe my love, my fair one, and come away!" The laſt imitation is ſuggeſted, as leſs obvious, by the tranſlator himſelf. But Comala exclaims, with Gray's bard, "confuſion purſue thee over thy plains; ruin over-"take thee thou king of the world." Id. 43.

"Ruin ſeize thee, ruthleſs king,
"Confuſion on thy banners wait."

In the epiſode of Shilrick and Vinvela, "Doſt thou "reſt by the fount of the rock, or by the noiſe of the "moſſy ſtream?—Didſt thou but appear, O my love, a "wanderer on the heath, thy hair floating on the wind

"behind

" behind thee; thy boſom heaving on the fight; thine " eyes full of tears for thy friends, whom the miſt of the " hills has concealed? Thee I would comfort, my love, " *and bring* to thy *father's houſe*. But is that ſhe that " appears like a beam of light in the heath, bright as the " moon in autumn, as the ſun in a ſummer ſtorm. " Comeſt thou, O maid! over rocks, over mountains to " me." i. 55—8. In the Canticles, "Tell me, O thou " whom my ſoul loveth, where thou feedeſt, where thou " makeſt thy flocks to reſt at noon?—I would lead thee " and *bring thee to thy mother's houſe*."—" Who is ſhe that " looketh forth in the morning, fair as the moon, clear " as the ſun, terrible as an army with banners?"

" Over hill, over dale, over high mountains." Old Ballad.

In the Fragment of Duchomar and Morna, inſerted in Fingal: " Comeſt thou like *a roe* from Malmor, like *a hart* " from thy echoing hills."—"Be thou," in Solomon's ſong, " like a roe or a young hart on the mountains of Bether." —" Morna, *faireſt of women*, thou art ſnow on the heath; " thy hair is the miſt of Cromla, when it curls on the hill; " thy breaſts are two ſmooth rocks ſeen from Branno of " ſtreams. Thy arms like two great pillars in the halls " of the great Fingal." i. 226, 7. In the Canticles, " Whither is thy beloved gone, O thou faireſt among " women; thy breaſts are like two young roes that are " twins; thy neck is as a tower of ivory; thine head " upon thee is as Carmel, and the hair of thy head like " purple:—his legs are as pillars of marble, ſet in ſockets " of pure gold." Theſe imitations require no comment; the ſame phraſeology is adopted, and the ſame images are appropriated, almoſt without alteration, to the Celtic bard.

4. Such claſſical beauties as might have occurred fortuitouſly, in the courſe of a poem, to the genuine Oſſian, would have been interwoven with the narrative from which they aroſe. But Macpherſon, in his imitation of

In Carrick-Thura, and Carthon.

of the ancients, had prepared ſuch detached epiſodes, and ſplendid addreſſes to the ſun in Carthon, to the moon in Darthula, the dream and death of Malvina, &c. as had no connexion with the poems to which they were afterwards attached. Oſtentatious addreſſes or odes to the ſun, moon, and evening ſtar, are alone a detection of modern poetry to which they are peculiar; but in theſe paſſages, the ſcriptural ſtyle of his early ſtudies is uniformly preſerved. The chiefs are pillars of fire or darkneſs; her heart is the houſe of pride, from the houſe of glory, joy, mourning, and the houſe of the proud; the dark and narrow houſe, from the grave, the houſe appointed for all living; and the ſame idiom is employed in Fingal's encounter with the ſpirit of Loda, though an obvious imitation of Diomed's combats with Venus and Mars. "A blaſt came from the deſert. On its wings was the "ſpirit of Loda.—I look upon the nations and they "vaniſh. My noſtrils pour the blaſt of death; the blaſt "is in the hollow of my hand." i. 60. "He rode upon "a cherub and did fly, yea he did fly on the wings of the "wind." Pſalm xviii. 10. "By the blaſt of God they "periſh, by the breath of his noſtrils are they conſumed." Job, iv. 9. "Who hath meaſured the waters in the "hollow of his hand?" Iſaiah, lx. 12. But in Carthon, a ſtory taken from Keating's account, and from an Iriſh ballad of Cuthullin, who kills his ſon Conloch in ſingle combat[36], the imitations ſometimes improve on the original. The compariſon of Cleſſammor to "a *ſteed in* "*his ſtrength* who finds his companions in the breeze, "and toſſes his bright main in the wind," i. 79. is a literal and wretched tranſcript from Pope, of the ſame ſimile in Homer and Virgil.

"His head now freed, he toſſes to the ſkies,
"His mane diſhevelled o'er his ſhoulder flies,
"He ſnuffs the females on the diſtant plain,

36 Keating, 196. Miſs Brooke's Reliques of Iriſh Poetry, 9.

" And ſprings exulting to his fields again."

" He paweth in the valley, and rejoiceth in his ſtrength." JOB, xxxix. 21.

——" Arrectiſque fremit cervicibus alte
" Luxurians, luduntque jubæ per colla per armos.
VIRGIL.

But the deſcription of Moina's ghoſt, ſuggeſted confeſſedly by Virgil's Dido, is unexpectedly improved.

——" Agnovitque per umbram,
" Obſcuram, qualem primo qui ſurgere menſe,
" Aut vidit, aut vidiſſe putat, per nubila lunam."

" She was like the new moon ſeen through the gathered " miſt, when the ſky pours down its flaky ſnow and the " world is ſilent and dark." Fingal's deſcription of the fallen Balclutha is truly poetical. " I have ſeen the walls " of Balclutha, but they were deſolate. The ſtream of " Clutha was removed from its place by the fall of the " walls. The thiſtle ſhook there its lonely head; the " moſs whiſtled to the winds. The fox looked out from " the windows; the rank graſs of the walls waved around " its head." i. 82. Here, however, we diſcover the imitations of ſcattered paſſages happily improved. " The " thorn and the thiſtle ſhall come up on their altars." Hoſea, x. 18. " Becauſe of the mountain of Zion, which " is deſolate; the foxes walk on it." Lam. v. 18. " The " cormorant and the bittern ſhall lodge in the upper " lintels of it; their voice ſhall ſing in the windows." Zeph. ii. 14. But when he proceeds, " why doſt thou " build thy hall, thou ſun of the winged days; thou " lookeſt from thy towers to day, to-morrow the " blaſt of the deſert comes;" the morality of the divine, afraid to allude directly to a future ſtate, is imperfectly concealed; and Fingal is recalled, from the ſublime reflections of Job on our preſent ſhort exiſtence,

to

to a convivial ſentiment of abſurd bombaſt; to rejoice in the ſhell, that when the blaſt of the deſert ſhould come, his fame would ſurvive the ſun. To me it appears that here, and in the addreſs to the ſun, the author has inſerted ſome favourite ideas from his college exerciſes at the Divinity hall. The beginning is derived from Satan's addreſs to the ſun in Milton. "O thou that rolleſt above, "round as the ſhield of my fathers, whence are thy "beams O ſun! thy everlaſting light. Thou comeſt "forth in thy awful beauty! the *ſtars hide themſelves* in "the ſky; the moon, cold and pale, ſinks in the weſtern "wave; but thou thyſelf moveſt *alone*, who can be the "companion of thy courſe!"

"O thou that with ſurpaſſing luſtre crowned,
"Look'ſt from thy *ſole* dominion like the God
"Of this new world; at whoſe ſight all the ſtars
"Hide their diminiſhed heads; to thee I call,
"But with no friendly voice, and add thy name
"O ſun, to tell thee how I hate thy beams;"

"——Two broad ſuns, their ſhields
"Blazed oppoſite." MILT.

"The moon which roſe laſt night, round as my ſhield."
DOUGLAS.

The broad ſun compared inverſely to a round ſhield; the ſtars that hide themſelves (their diminiſhed heads) at his approach; in his awful beauty moving alone, or with ſurpaſſing luſtre crowned in ſole dominion; his everlaſting light, like the God of this new world; are obvious imitations, which it is impoſſible to miſtake. "Whence are thy beams, O ſun! thy everlaſting light," though a natural tranſition of the divine to its eternal ſource, is prepoſterous in Oſſian, who, believing its light everlaſting, could have no conception of its creation, nor a ſuſpicion from whence it proceeded. "The oaks of "the mountains fall; the mountains themſelves decay "with years," is a philoſophical or ſcriptural alluſion,

as remote from Offian's ſphere of obſervation, as the earthquakes that "ſhake green Erin from ſide to ſide." "The ocean ſhrinks and grows again; *the moon herſelf is* "*loſt in heaven*; but thou art for ever the ſame; *rejoicing* "*in the ſtrength* of thy courſe. But to Offian thou *lookeſt* "*in vain*, for he *beholds thy beams* no more."

"But thou
"Reviſit'ſt not theſe eyes that roll *in vain*
"*To find thy piercing ray.*" PAR. LOST.

"The ſun to me is dark,
"And ſilent as the moon
"When ſhe *deſerts the night*,
"*Hid in her vacant interlunar cave.*"
SAMSON AGONISTES.

"He rejoiceth in his ſtrength."
JOB.

Not ſatisfied with creating a third blind epic bard, like Homer and Milton, the tranſlator has appropriated the ſame paſſages to Offian; he is placed, like Samſon, where the ſun delights to ſhine; and Malvina, like Milton's Urania, viſits his ſlumber nightly with her ſong. In the concluding paragraph, the divine recurs. "But thou art "perhaps like me, for a ſeaſon; thy years will have an "end; thou ſhalt ſleep in thy clouds, regardleſs of the "voice of the morning;" a favourite idea repeated in the ſame poem, and again in the Temora, is derived from Young's Night Thoughts;

"Death, great proprietor of all! 'tis thine
"To tread out empire, and to quench the ſtars:
"The ſun himſelf by thy permiſſion ſhines,
"And one day thou ſhalt pluck him from his ſphere;"

as the addreſs to the moon in Darthula, "Whither "doſt thou retire when the darkneſs of thy countenance "grows?

" grows? Haſt thou thy *hall* like Oſſian? Dwelleſt " thou in the *ſhadow* of *grief*?" is ſuggeſted by Milton's *vacant, interlunar cave*, and the ſame paragraph in the Night Thoughts;

" O Cynthia, why ſo pale! doſt thou lament
" Thy wretched neighbour?"

An intimation that the ſun is only for a ſeaſon, and may be extinguiſhed like the life of man, muſt ſuggeſt its author, if not a future ſtate, to the moſt untutored mind. But as that would encroach on the province of the Druids, or in other words, betray a dangerous glimpſe of the divine, the ſun is deſired to " exult in the " ſtrength of his youth, for age is dark and unlovely. It " is like the glimmering light of the moon, when it " ſhines through broken clouds, and the miſt is on the " hills; the blaſt of the north is on the plain, and the " traveller ſhrinks in the midſt of his journey." A profeſſed imitation of Virgil's,

" Quale per incertam lunam ſub luce maligna
" Eſt iter in ſilvis; ubi cœlum condidit umbra
" Jupiter, et rebus nox abſtulit atra colorem."

The leſſer poems.

5. Of the leſſer poems, Oithona opens with the concluſion of Hardiknute; " There is no ſound in the hall, " no long ſtreaming beam of light comes trembling " through the gloom."

" There's nae light in my ladie's bower,
" There's nae light in my hall, &c."

" With thy long levelled rule of ſtreaming light;"
COMUS.

and contains ſome egregious imitations, one of which the author ſcruples not to produce as a parallel paſſage. " On

"On the third day aroſe Tromathon, like a blue ſhield "in the midſt of the ſea." Phæacia's duſky coaſt appeared to Ulyſſes indiſtinct and vaſt:

"Like a broad ſhield amid the watry waſte."
POPE's ODYSSEY.

"Why did I not paſs away in *ſecret*, like the flower of "the rock that lifts its fair head *unſeen*, and *ſtrews* its "withered leaves on the *blaſt*;" an imitation at once of Catullus and Gray.

"Ut flos in ſeptis, *ſecretis* naſcitur hortis."

"Full many a flower is born to bluſh *unſeen*,
"And *waſte* its ſweetneſs on the *deſert air*."

In the Five Bards, produced in a note, as a poem a thouſand years later than Oſſian, "The wind is up; the "ſhower deſcends; the ſpirit of the mountains ſhrieks; "windows flap; the growing river roars; the traveller "attempts the ford. Hark that ſhriek! he dies;" i. 133. a part is taken from Blair's Grave.

"The wind is up, hark how it howls! methinks
"Till now I never heard a ſound more dreary:
"Doors creak and windows clap."

A part, omitted in the copy tranſmitted to Gray [37], was inſerted afterwards from the tragedy of Douglas;

"Red came the river down, and loud and oft
"The angry ſpirit of the waters ſhriek'd;"

and the concluding incident is borrowed from Thomſon's Winter, and Akenſide's Ode to the Winter Solſtice. In Calthon and Colmal, "the ſun appears in the Weſt,

37 Maſon's edit. of Gray's Poems and Letters.

" after the ſteps of his brightneſs have paſſed behind a " ſtorm; the green hills lift their dewy heads; the blue " ſtreams rejoice in the vale. The aged hero comes forth " on his ſtaff; his grey hair glitters in the beam;" all but the laſt image confeſſedly from Milton.

" If chance the radiant ſun with farewel ſweet,
" Extend his evening beam, the fields revive,
" The birds their notes renew, and bleating herds
" Atteſt their joy, that hill and valley ring."

Oſcar's Soliloquy, when alone in Caros, on the enemy's approach, is written in emulation of Ulyſſes' ſoliloquy in the Iliad, when oppreſſed by numbers; his voice, " like " the noiſe of a cave when the ſea of Togormo rolls before " it," is tranſcribed from Milton;

" As when hollow rocks retain
" The ſound of bluſtering winds, which all night long
" Had raiſed the ſea;"

and his ghoſt, travelling in the light of his ſteel, i. 195. from Iſaiah, " travelling in the greatneſs of his " ſtrength," lxiii. 1. Our youth is compared in Iniſthona, to the dream of the hunter, from Job, xx. 8. and the Pſalmiſt, xc. 9.; and " ye ſons of the chace ſtand far " diſtant, nor diſturb the dreams of Oſſian," i. 202. from the Song of Solomon, iii. 5. But in Berrathon, the generations of men are at once compared, with Horace, to waves, and with Homer, to the annual ſucceſſion of leaves. " The chiefs of other times are departed. The " ſons of future days ſhall paſs away. Another race " ſhall ariſe. The people are like the waves of ocean; " like the leaves of woody Morven, they paſs away in the " ruſtling blaſt, and other leaves lift their green heads."

Οἵη περ φύλλων γενεὴ, τοιήδε καὶ ἀνδρῶν.
Φύλλα τὰ μέν τ' ἀνεμος χαμαδις χέει, αλλα δε θ' ὑλη
Τηλεθοωσα φυει, εαρος δ' επιγιγνεται ὥρη. Il. vi. 146.

"Hæres
"Hæredem alterius, velut unda ſupervenit undam;"
"Ut ſilvae foliis pronos mutantur in annos
"Prima cadunt." Hor.

That the ſame ideas which Pindar, Sophocles, and Euripides were proud to adopt from Homer, and Pope was content to tranſcribe from Horace, ſhould occur fortuitouſly, almoſt in the ſame words, and without imitation, to the Celtic bard, is a ſuppoſition too groſs for the moſt credulous to believe.

6. To conclude with Fingal,—as the invocation of a muſe might betray imitation, the addreſſes uniformly prefixed to the leſſer poems are ſtudiouſly omitted. Fingal opens abruptly with Cuthullin reclined under *Tura's* wall, nine centuries before *towers* or caſtles were erected in Ireland [38]. In the tranſition to Swaran, it is impoſſible not to recognize Milton's Satan. "I beheld "their chief, tall as a rock of ice. His ſpear is a blaſted "pine. His ſhield the riſing moon." Fingal.

"His ponderous ſhield—
"Hung on his ſhoulders like the moon, whoſe orb
"Thro' optic glaſs the Tuſcan artiſt views
"At evening."
"His ſpear, to equal which the talleſt pine,
"Hewn on Norwegian hills, &c."

Even Calmar's hyperbolical rants, "Riſe, ye dark winds "of Erin, riſe! roar *whirlwinds* of Lara of hinds: amidſt "the *tempeſt* let me die, torn in a cloud by angry ghoſts

[38] O'Conor's Differt. 81. 2d edit.

" of men ;" ſeem to me to be derived from the ſame ſource.

" While we, perhaps,
" Caught in a fiery tempeſt, ſhall be hurled ;
" Each on his rock transfixed, the ſport and prey
" Of wracking whirlwinds."

Inſtead of the horſe litter repreſented by Blair as ſet with Scotch pebbles, Cuthullin's car is no obſcure imitation of Solomon's, and the chariot of the ſun. " It " bends like a wave near a rock ; like the golden miſt of " the heath. Its ſides are emboſſed with ſtones, and " ſparkle like the boat of night. Of poliſhed yew is its " beam, and its ſeat of the ſmootheſt bone ; the ſides are " repleniſhed with ſpears, and the bottom is the footſtool " of heroes." In Solomon's chariot, " The bottom " thereof is of gold, the covering thereof of purple, the " midſt thereof being paved with love, for the daughters " of Jeruſalem." Canticles.

" Aureus axis erat ; *temo aureus*, aurea ſummæ
" Curvatura rotæ, radiorum argenteus ordo.
" Per juga Chryſolithi, poſitæque ex ordine gemmæ,
" Clara repercuſſo reddebant lumina Phœbo."

OVID.

Its beam of poliſhed yew is the *temo aureus* of Ovid ; its ſides ſtudded with ſparkling ſtones, *per juga chryſolithi* ; but the bottom paved with love, is judiciouſly converted into the footſtool of heroes ; and it bends behind like the *golden* miſt, an alluſion which the author has ſince ſuppreſſed. The ſubſequent battle is tranſcribed indiſputably from Pope's Homer. " Like autumn's dark ſtorms, pour- " ing from two echoing hills, towards each other ap- " proached the heroes. Like two deep ſtreams, meeting, " mixing, and roaring on the plain ; loud, rough, and " dark in battle met Lochlin and Innisfail."

" As

" As when the winds aſcending by degrees
" Firſt move the whitening ſurface of the ſeas, &c."
" As torrents roll, encreaſed by numerous rills,
" With rage impetuous *down their echoing hills*,
" Ruſh to the vales, and *pour along the plain* ;
" *Roar* thro' a thouſand channels to the main ;
" The diſtant ſhepherd, trembling, hears the ſound,
" So mix both hoſts, and ſo their cries rebound."

" Cuthullin's ſword was like the beam of heaven, when " it pierces the ſons of the vale ; the people are blaſted " and fall, and all the hills are burning around."

" Leſs loud the woods, when flames in torrents pour,
" Catch the dry mountain, and its ſhades devour."
POPE'S ILIAD.

" Ac velut immiſſi diverſis partibus ignes
" Arentem in ſilvam. VIRGIL.

Cuthullin's encounter with Swaran, is copied from Milton's of Satan and Death. " Who are thoſe on " Lena's heath, thoſe ſo gloomy and dark ? who are thoſe " like *two clouds*, and their ſwords *like lightning* above " them ? The little hills are troubled around ; the rocks " tremble with all their moſs. Who is it but ocean's ſon, " and the carborne chief of Erin."

" Each at the head
" Levelled his deadly aim, and ſuch a frown
" Each caſt at th' other, as when *two black clouds*,
" *With heaven's artillery* fraught, come rattling on,
" Over the Caſpian.—
" So frowned the mighty combatants, that hell
" Grew darker at their frown."

The apoſtrophe to the maid of Iniſtore—" *weep on* " *thy rock* of roaring winds, *O maid of Iniſtore ! bend thy* " *fair*

" *fair head* over the waves: he is fallen! thy youth is " low, pale beneath the ſword of Cuthullin;" is borrowed from Hardiknute.

" On Norway's coaſt the widow'd dame,
" May *waſh the rocks* with tears,
" May lang *look o'er* the ſhipleſs ſeas,
" Before her mate appears.
" Ceaſe, Emma, ceaſe to hope in vain!
" Thy lord lies *in the clay* [40], &c."

The epiſode of Cairbar and Braſſolis contains a ſingular detection. " Here reſts their duſt Cuthullin; " and theſe two lonely yews ſprung from their tombs, " and wiſh to meet on high." As the conceit was reprobated by Dr. Blair, the obſequious text of Oſſian diſappeared. " The lonely yews ſprung from their " tomb to ſhade them from the ſtorm [41]." The yew was not then a funereal plant, nor appropriated to the grave till introduced into church yards. But if the two lonely yews that ſprung from their graves were ſuggeſted by Blair's " chearleſs unſocial plant," I am afraid that the ſentimental conceit was derived from Swift's verſion of Baucis and Philemon metamorphoſed into yews; when the parſon cut Baucis down, the other tree

" Grew ſcrubby, died a-top, was ſtunted,
" So the next parſon ſtubbed and burnt it."

The next book opens with Crugal's ghoſt of miſt, introduced in imitation of the ſhade of Patroclus, ἠΰτε καπνὸς, like a thin ſmoke, but diverſified happily by the " ſtars dim-twinkling through his form." The ſame image is repeated in Cuthullin; but the author, not

40 Even this is borrowed from the older ballad of Sir Patrick Spence, drowned at ſea; " O lang, lang may our ladies look, &c."

41 Blair's Diſſ. 388. Fingal, 1ſt edit. 18. Oſſian's Poems, 1773. v. i. p. 240.

ſatisfied

ſatisfied with this ſucceſs, produced afterwards, in a ſerious hiſtory, a poem in Earſe and Engliſh, to vindicate his anceſtors from idolatry; repreſenting Griannius, the genius of the ſun, arreſted and ſtruggling in the polar regions, with a ſudden froſt; and the Cruglians, a name derived from Crugal, ſhrinking into their caves at his horrible outcries [42]. A ſingle image in Fingal is derived from froſt. "The heroes ſtood on the heath, "like oaks with all their branches round them, when they "echo to the *ſtream of froſt*, and their withered branches "are ruſtling to the wind." But this, and another tranſplanted from the Highlander, "They ſtood like a "half conſumed grove of oaks, when we ſee the ſky "through its branches, and the meteor paſſing behind," are both from Milton:

"Yet faithful how they ſtood,
"Their glory withered, as when heaven's fire
"Hath ſcathed the foreſt oaks, or mountain pines;
"With ſinged top their ſtately growth, tho' bare,
"Stands on the blaſted heath."

As, "Satan alarmed,
"Collecting all his might, dilated ſtood,
"Like Teneriff or Atlas unremoved;
"His ſtature reached the ſky, and on his creſt
"Sat horror plumed;"

"Horrendumque intonat armis,
"Quantus Athos, aut quantus Eryx, aut ipſe coruſcis
"*Cum fremit ilicibus* quantus, gaudetque *nivali*
"Vertice ſe attollens pater Appenninus ad auras."
VIRGIL.

So "Cuthullin ſtood before him like a hill that catches "the clouds of heaven: the winds contend on its *head*

[42] Introduction to the Hiſt. of Britain, 168.

"*of*

" *of pines* : the hail rattles on its rocks. But firm in its " ſtrength it ſtands, and ſhades the vale of Cona." Perhaps the moſt egregious imitation is that of Milton's ſun in eclipſe. " Connal mounts the car of gems. They " ſtretch their ſhields like the darkened moon, the daugh- " ter of the ſtarry ſkies, when ſhe moves a dun circle " through heaven, and *dreadful change is expected by men.*"

" Or from behind the moon
" In dim eclipſe, diſaſtrous twilight ſheds
" On half the nations, and with fear of change
" Perplexes monarchs."

As if the moon, moving a dun circle through heaven, were inſufficient to indicate the dim eclipſe, the dreadful change expected by men, which was ſuppreſſed in the firſt, was reſtored in the laſt editions, that no doubt of the imitation might remain. The epiſode of Comal and Galvina, who tries her lover in the arms of a man, is a groſs imitation of the fable of Procris; and Hardiknute is almoſt literally repeated by Fingal. " Gaul take " thy terrible ſword. Fergus, bend thy crooked yew. " Throw, Fillin, thy lance through heaven."

" Robin of Rothſay, bend thy bow,
" Thy arrows ſhoot ſae liel :—
" Braed Thomas take ye but your lance,
" Ye need not weapons mair."

And Cuthullin " ſtands alone like a rock in a ſandy " vale." " The ſea comes with its waves, and roars " againſt its hardened ſides; its head is covered with " foam; the hills are echoing around," from a noted ſimile in Homer and Virgil.

" Ille, velut pelagi rupes immota, reſiſtit;
" Ut pelagi rupes, magno veniente fragore,
" Quæ ſeſe, multis circum latrantibus undis,

" Mole

" Mole tenet; ſcopuli nequicquam et ſpumea circum
" Saxa fremunt, laterique illiſa refunditur alga."

ÆNEID.

Original Ballads.

7. Inſtead of perpetual imitation, to proceed to the originals, Oſſian's courtſhip of Evirallin is an epiſode for which there is ſome foundation. The original is a ballad of twenty-two ſtanzas, addreſſed to a woman with whoſe propoſals the frigid old bard, to uſe his tranſlator's expreſſion [43], was unable to comply. It begins thus; " He is a dog who is not compliant;" and, inſtead of Oſſian's ſentimental affectation, diſcovers little elſe than the blunt and barbarous manners of the age. " But I " tell you, wanton girl! I once was valiant in battle, " though now I am worn out with age. When we went " to lovely Evir of the ſhining hair, the maid of the white " hand, the diſdainful favourite of Cormac, we went to " Loch Lego, twelve men the moſt valiant beneath the " ſun. Would you know our determined reſolution? it " was to make cowards fly before us. Then Bran ſaid, " and he did not ſpeak a falſehood, if I had twelve " daughters, ſuch is his fame among the Fions, Oſſian " ſhould have the firſt [44]." Such are the originals, and ſhould they, in ſome paſſages exceed expectation, let it be remembered that the Iriſh, to which they belong, was a written language, cultivated ſince the introduction of letters by Saint Patrick. But let us hear the tranſlator. " Daughter of the hand of ſnow, I was not ſo mournful " and blind, I was not ſo dark and forlorn, when Evirallin " loved me, Evirallin of the dark brown hair, the white " boſomed love of Cormac. I went in ſuit of the maid " to Lego's ſable ſurge—to Brano of the ſounding mail;— " though twelve daughters of beauty were mine, thine " were the choice, thou ſon of fame." i. 284. Thus

43 Oſſian, ii. 142.

44 Tranſ. of the Royal Iriſh Academy. i. 52. Collect. of Gaelic Poems by Gillies at Perth, 1786, p. 11.

he

he proceeds to enumerate Oſſian's champions, and their combat with Cormac, in proſe ſublime; but retains inadvertently, the barbarous concluſion of the original, that the humane Oſſian, whoſe generoſity is ſo ſuperior to Homer's, cuts off and carries his rival's head to Fingal. The original of Fingal itſelf, is not more extenſive. Oſſian and St. Patrick the clerk, or the combat of Fingal and Magnus, is a ballad of forty-ſeven quatrains of ſhort lines, (the ſecond and fourth rhyming together) a few paſſages of which are tranſcribed in Fingal. "The ſeven brave "ſons of the little lake of Lano, ſays Gaul without "guile, you think them a great multitude, but I will "conquer them. Then ſaid Oſcar, of mighty ſtrength, "give to me the king of Iniſtore, (iſle of wild boars) his "twelve nobles have a ſweet voice, I will quell them. "Earl (Jarla) Mudan's glory is great, ſays brown Dermid, "without malice; I will quell him for thy heroes, "or fall in the attempt. I myſelf took in hand, "though I am this night without vigour, king Terman "of the cloſe battles, that I ſhould ſever his head "from his body. Deſerve bleſſings and gain the vic-"tory, ſaid Comhall's ſon of the red cheeks; Magnus "Macgharra of multitudes, I will conquer, though "great is his fury in battle [45]." "Mine," ſays Macpherſon, "be the ſeven chiefs that come from Lano's lake. "Let Iniſtore's dark king ſaid Oſcar, come to the ſword "of Oſſian's ſon, &c. Bleſt and victorious be my chiefs, "ſaid Fingal of the mildeſt look; Swaran, king of roar-"ing waves, thou art the choice of Fingal." i. 294. The ſun beam or ſtandard ſet with golden ſtones, and the combat of the two kings, the ſon of Comhall of the drinking horns, and Magnus the unfortunate, are deſcribed in the original. "Clerk, was not that a dreadful caſe!

45 Hill's Collect. in the Gentleman's Magazine, 1783. Perth Collect. p. 18. In thoſe poems, Fingal's houſe at Almhuin or Allen, in Ireland, is converted by Macpherſon into Selma and Albion, and St. Patrick, who is termed Macalpin the clerk, into the ſon of Alpin,

" like the ſtrokes of two hammers, the bloody battle of " the two kings, whoſe countenance was very furious. " After their red ſhields were broken, their countenance " being very fierce, they threw their weapons down, " and ſtruggled for victory. There were ſtones and " heavy earth opening between their feet." Like the original ballad, Fingal ends in a wreſtling match. " Be- " hold the battle of the chiefs! There was the clang " of arms, there every ſtroke like the hundred hammers of " the furnace.—Their dark brown ſhields are cleft in " twain. Their ſteel flies, broken, from their hands. " They fling their weapons down. Each ruſhes to his " heroe's graſp. But when the pride of their ſtrength " aroſe, they ſhook the hill with their heels. Rocks " tumble from their places on high; the green headed " buſhes are overturned. At length the ſtrength of " Swaran fell. The king of the groves is bound." i. 302. This egregious bombaſt is concluded with a more claſſical imitation; more extravagant ſtill when applied to the combatants. " Thus have I ſeen in Cona, but Cona I " behold no more," (the ballads contain no intimation that Oſſian was blind) " thus have I ſeen two dark hills " removed from their place by the ſtrength of the moun- " tain ſtream. They turn from ſide to ſide, and their " tall oaks meet one another on high. Then they fall " together with all their rocks and trees."

" As if on earth,
" Winds under ground, or waters forcing way,
" Side long had puſhed a mountain from his ſeat,
" Half ſunk with all his pines." MILTON.

The battle of Lora is derived from the tale of Erragon, a fictitious king of Lochlin [45]; Larthmon from Lamonmor;

45 Theſe and the two epics are almoſt the only poems of which Dr. Blair, whoſe worth I vene ce, received atteſtations. But the laſt was ſo ſtrongly

monmor; Darthula from an abſurd fable of the three ſons of Uiſleachan, ſlain by O'Conachar their maternal uncle, and of Deirdar, who ſtabbed herſelf on their bodies with a carpenter's knife; but the names and outlines of the ſtory excepted, not a ſingle ſentiment, image, or idea of Macpherſon's Oſſian is to be found in theſe ballads. The ſole foundation of the Temora is the death of Oſcar, a ballad of ſixty ſtanzas, from which that incident, and a few pathetic paſſages, are inſerted in Oſſian; "the "howling of the dogs; the groans of the aged chiefs; "but never more ſhall Oſcar riſe; no mother lamented "her ſon, nor one brother for another, but each of us "that were preſent wept for Oſcar [46]." Such are the originals, the names, the traditionary fables, and a few paſſages of which, adopted by Macpherſon, have perſuaded his credulous countrymen that they

ſtrongly atteſted as rehearſed by Macvuirick and others, "with very little "differences from the printed tranſlation," that he pronounced from its poetical and ſentimental beauties, that "whatever genius could have "produced Darthula, muſt be judged fully equal to any performance con- "tained in Macpherſon's publication." Diſſ. Append. Literal tranſlations of the ballads which I have quoted are now in my poſſeſſion. Among theſe are two verſions of Deirdar, and a third of Uiſleachan's or Uſno's Children; but I again repeat, that not a ſingle ſentiment or line of Darthula is to be found in either. Cuthullin's chariot, the only other poem atteſted to Dr. Blair, is in the ſame predicament, as I am well aſſured. Such ballads are the only poetical treaſures which the Antiquary and Gaelic Societies of Scotland have diſcovered in the highlands; but unleſs manufactured anew in the tranſlation, in point of poetical merit, they are utterly contemptible.

[46] Tranſactions of the Royal Iriſh Academy, i. 82. 106. Perth Collect. 305—18. Hill's Collect. Another pathetic paſſage is Fingal's lamentation, "Oſcar, my beloved! ſon of my ſon! beloved of my beloved! "my heart pants over thee like a black-bird; never more ſhall Oſcar riſe," tranſcribed by Macpherſon. "The heart of the aged beats over thee. Weep "ye heroes of Morven; never more ſhall Oſcar riſe." But when he proceeds to Oſſian's lamentation, where the ballad fails him, the father is forgotten in the declamatory ſtyle of a modern poet, not expreſſive but deſcriptive of grief. ii. 17. 18.

had

had heard, and known the poems in their early youth. It is alſo obſervable, that ſuch are almoſt the only paſſages produced by thoſe who have choſen gratuitouſly to atteſt that the tranſlation was authentic [47]; and inſtead of an epic poem, had Macpherſon proclaimed the diſcovery of an Earſe goſpel, I verily believe that he would have obtained the ſame atteſtations. But the man who believes that the ſame images employed in ſcripture, and the ſame claſſical beauties ſelected, with ſuch curious felicity, by Homer, Catullus, Virgil, Horace, Tibullus, and Milton, not to mention contemporary poets, occurred fortuitouſly to Oſſian, almoſt in the ſame words, without imitation, is beyond the reach of argument, and muſt be abandoned to his faith.

Specimens of the Earſe original.

VII. 1. The ſpecimens of the original produced by Macpherſon were either written or tranſlated into Earſe from the Engliſh original, by the tranſlator himſelf. On this ſubject it is neceſſary to premiſe, that the authenticity of Oſſian depends on an hiſtorical theory, of which the poems are inverſely the ſole proof. The ancient Caledonians, whether Scots or Picts, were aboriginal Gaels, who, retiring northward from the Cimbric Celts and the Belgæ, peopled Scotland and Ireland ſucceſſively; and whoſe legitimate deſcendants, the preſent highlanders, ſecured by their mountains from an intercourſe either with the Saxons or Danes, inſtead of being a recent Iriſh colony, have preſerved their primitive language and poetry upwards of fifteen centuries, pure and unmixed. It appears, however, from inſpecting their vocabulary, that the Earſe or Iriſh is a mixed language [48], of which a large part is derived from the Saxon

47 See in the Iriſh Tranſactions, p. 46. four fragments of the ballads which we have quoted, interpolated, and diſingenuouſly produced by a clergyman as ſpecimens of Macpherſon's original

48 Macfarlan's vocabulary; O'Brien and Shaw's Dictionaries of the Iriſh and Earſe, which I have chiefly conſulted.

or

or Latin, through the medium of the prieſts. I acknowledge that the Teutonic was partly introduced by the Belgæ, who purſued the Gaelic Celts into Ireland, whom they had expelled from England, and incorporated at length with the people whom they ſubdued[49]. An admiſſion

49 That the Belgæ were Germans is acknowledged by every writer from Merula to Clark (Saxon coins) and Pinkerton, with the exception of ſuch French and Scottiſh antiquaries as Pezron and his followers, who have transformed the Germans themſelves into Celts. Such as ſtill adhere to an oppoſite opinion, endeavour to explain away the firſt ſentence in Cæſar, *Belgæ, Aquitani, Celtæ, hi omnes lingua, inſtitutis, legibus, inter ſe differunt*, by a commentary on Strabo's ομογλωττες δε ε' παντας αλλ' ενιες μικρον παραλλαττοντας ταις γλωτταις ; "their language is not altogether the ſame, but ſome-"what different in dialect." But they forget that Strabo is careful to diſcriminate the Celts proper, from the Gauls in general; and overlook the poſitive teſtimony of Cæſar, in the ſecond book, *pleroſque Belgas eſſe ortos a Germanis; Rhenumque antiquitus tranſductos, propter loci fertilitatem ibi conſediſſe; Galloſque, qui ea loca incolerent, expuliſſe*; c. 4. to which the authority tranſcribed by Ammianus Marcellinus alludes; Aborigines Celtas—ſed alios quoque ab inſulis extimis confluxiſſe, et tractibus Tranſrhenanis. l. 15. c. 9. Lloyd himſelf acknowledges that the Belgæ were Germans, and the Iriſh comparatively a Teutonick language, which has borrowed ſome words from the Welch, but a greater number from the Latin and French. Preface to the Welch Dict. in his Archeologia, tranſlated in Nicolſon's Iriſh Hiſt. Library, 119. and confirmed by a liſt of Teutonick words. That Ireland was peopled from Cantire, by Scottiſh highlanders, rather than from the Engliſh coaſts of the channel, by the aboriginal Gauls whom the Cimbri and Belgæ expelled from England, is refuted by the ſmall number of highlanders at the preſent day. The population of the ſeven counties in which Earſe is ſpoken, Argyle and the Iſles, Inverneſs, Perth, Dumbarton, Roſs, Caithneſs and Sutherland, ſcarcely amounts to four hundred thouſand, of which Perth contains 133,000. Statiſt. Account, vol. xx. Deducting at leaſt 130,000 for the Lowlands of Dumbarton, Perth, Roſs, Sutherland, and Caithneſs, the highlanders are not a fifth part of the inhabitants of Scotland; and there is no reaſon to believe that the proportion was greater at any former period. Major, whoſe argument for the Iriſh deſcent of the Scots is miſquoted by Stillingfleet, merely aſſerts that one half, not of the Scots, but of Scotland, (*medietas Scotiæ*) ſpoke Iriſh then; an aſſertion cautiouſly limited and ſtrictly true, although the mountainous half and the iſles of Scotland hardly contain a fifth part of the whole nation. The ſtrange opinion that Earſe was the national and court language in the reign of Malcolm III. reſts on a paſſage

in

miſſion ſo repugnant to the authenticity of Oſſian, which diſclaims the migration or origin of the highlanders from Ireland, can avail the tranſlator nothing; but the Iriſh it is ſaid, is the primitive, and was once the univerſal language of

in Turgot's Life of Margaret, that the king, in a national council, acted as interpreter between the Scottiſh prieſts and the queen. But the Culdees were generally Iriſh prieſts, ſo diſtinguiſhed then for their ſanctity and learning; the queen herſelf was a foreigner, born in Hungary, (from which ſhe returned ten years before her marriage,) and probably leſs acquainted with the Saxon; and in the abridgment of Turgot by a writer more attentive to the fact, the difference of languages diſappears in a different idiom or dialect, ſuch as the Scottiſh always was with reſpect to the Engliſh. *Rex qui quod perfecte Anglorum idioma* (*linguam, Turgot*) *æque ut proprium calleret, vigilantiſſimus in hoc concilio utriuſque partis interpres fuit.* Pinkerton's *Vitæ Sanctorum*, p. 339—76. The Engliſh introduced by a few Saxon exiles and ſlaves, might aſſimilate a collateral language to itſelf, but could never extirpate, nor can it now explain the diſappearance of Earſe, as a national language, which predominated in the plains of Ireland over the Belgick, and reſiſted the ſubſequent colonies of the Engliſh and Scots. The Norwegian was loſt in the French language; and notwithſtanding the endeavours of William the conqueror, and his Norman ſucceſſors, the latter was ſoon loſt in the Saxon. The Welſh and Saxons have lived in the ſame iſland above a thouſand years. The former have been conquered above five hundred, but the Welſh language is ſtill preſerved. But there was no conqueſt nor colonization by the Saxons in Scotland; and no adequate cauſe to ſupplant the Gaelick in the ſhort interval of 160 years between Malcolm and Alexander III. No intermixture, nor the leaſt veſtige of an Earſe original is to be found in the Scotch, which was unavoidable had the Saxon been ſuperinduced on the Gaelic; but the fact is that the Scotch was the national language in Malcolm's reign. No writings of the period are preſerved; but the harbour where the queen's ſhip eſcaped from the tempeſt was named St. Margaret's Hope; the place where ſhe landed the Queensferry; whereas it would have been *Portree* had the language been Earſe. Her ſon David Iſt's charter to the Abbey of Dumfermline contains Pettecorthin (Pit-cur), Shiram de Kirkalduit (the *ſhire* of Kirkaldy,) *Kingborn*, *Smitheton* Wymet; a proof that in 1126 the language was Scotch, from which theſe words were derived. Sir James Dalrymple's Collections concerning Scottiſh Hiſtory, 1705, p. 383. Two years afterwards he founded the Abbey of *Holy-rood-houſe*, which, whether tranſlated from, or into, the Domus Sanctæ Crucis de Crag (from its vicinity to *Saliſbury* craigs) demonſtrates that the national language was not Earſe. The Abbeys of *Newbottle* and *Dryburgh* were founded by the ſame prince; but none will venture to aſſert that the Gaelic of Malcolm III. was transformed into Saxon in the reign of his ſon. The Celtick names in the lowlands are

of the earth. Each word in the poems, of an obvious and late derivation from the Saxon, Greek, or Latin, will be vindicated as derived by thoſe languages from the Celtick tongue. To contend with Celtick etymologiſts were an abuſe of argument, and a waſte of words [59]. They who maintain that the Greek Tyrannus, and the Latin Rex from Rego, were adopted from Tiarna, and Righ a king, may believe that Dux and Comes are derived from Duke and Count. In addition, however, to the general rule, that a term common to different languages, muſt be derived from the one to which its radical belongs, I ſhall offer two obſervations which can admit of no diſpute. The firſt is, that as the Celtick has peculiar names for the objects of nature, while the terms of art, or of abſtract ideas are the ſame with the Latin, we muſt conclude that the latter, inſtead of being derived by the Romans from a barbarous people, were adopted by the Welſh and Iriſh from the refined language of a civilized nation. The ſecond obſervation is, that terms common to the Celtick and Saxon, muſt be derived from the Teutonick, if diſcovered among thoſe northern nations, who had no intercourſe with the Gaels, whom they expelled or confined to the weſt of

derived from the Cimbrick or Strathclyd Welſh; Eſk, avon, aber, caer, lan; and when the Picts are once traced to Scandinavia, the affinity between theirs and the Saxon language, from the oppoſite peninſula of Jutland, muſt be conceived to be the ſame as that between the Swediſh and German, the Welſh and Earſe; or the Daniſh and Saxon, which laſt William the Conqueror, from his knowledge of Norman, a ſiſter language, was enabled to comprehend Dudon apud Duchene's Script. Norm. Theſe facts are moſtly ſuggeſted by Pinkerton's Diſſertation on the Scythians, and Introduction to the Hiſtory of Scotland, to which his opponents are not a little indebted for whatever information they poſſeſs on the ſubject.

50 See, for inſtance, Vallancy's egregious attempt, by the abridgment, tranſpoſition, and alteration of ſyllables, to convert the Punic ſcene of Plautus into modern Iriſh; in which we diſcover that ſuch words as O all O almighty, nimh numen, beannaithe benedictus, umhal humble, frotha ſtreams, ulla teamplui holy temples, caiſi cauſe, pian pain, were genuine Punic words, the language of Ireland, long before it was known to the Romans. Miſc. Hibern ii. 310. Such is alſo the abſurd etymology of Beltain, (Bael, Sax, Beol Swed. Beil Scot. rogus, Tende incendere,) from Bel, an Aſſyrian deity once worſhipped in the highlands of Scotland.

Europe.

Europe. To illuſtrate the firſt obſervation, *Pen*, or *Cean*, *Lamh*, *Cran*, *Grian*, *Gealach*, *Carraig*, the head, the hand, a tree, the ſun, the moon, a rock, are terms indiſputably Celtick, which have no affinity to other languages; but *leabhar* a book, *liter* a letter, *leagham* to read, *ſgriobam* to write, (from *liber*, *litera*, *lego*, *ſcribo*,) diſprove the early pretenſions of the Iriſh to letters [51]: *aradh* a plough, *araim* to till, *aran* bread, (from *aratrum*, *aro*, *arva*,) demonſtrate that the Britiſh and Iriſh Celts, a hunting or paſtoral people, derived the names and inſtruments of huſbandry from the Romans; *or* gold, *airgeod* ſilver, (from *aurum*, *argentum*,) that they were indebted to the ſame nation for the precious metals. As an example of the ſecond obſervation, *Iarain*, *Pras*, *Copar*, *Luaidh*, iron, braſs, copper, lead, were derived either from the Saxons, or from the Belgæ, eminently ſkilled, as appears from Strabo, in the metallick arts, and ſuperior in arms to an enemy whoſe ſpears and arrows were pointed with flints, and whoſe ſtone hatchets are ſtill denominated Celts. *Bial* and *Tuadh*, the battle-axe or hatchet, are adopted from the Swediſh *Beyel*, the Belgick and Saxon *Tuych* and bill; *Claidheam* a ſword, like the French and Engliſh *glaive*, from the Latin *gladius*, Saighead from *ſagitta* [52]; and to illuſtrate both obſervations, *Cranſaor* a carpenter, is compounded of the Celtick *crann* a tree, and the Teutonick *ſaw*, the implement of his trade. Keeping theſe obſervations in view, we ſhall proceed to the ſuppoſed ſpecimens of the original, which, without any previous acquaintance with the language, I have examined with more attention, perhaps, than the ſubject deſerves.

2. The *original* Earſe of Malvina's Dream, was produced by the tranſlator, at lord Kaims' requeſt [53]. The Malvina's dream.

[51] Innes's Critical Eſſay, 444.

[52] Ledwich's Antiquities of Ireland, 115. 451. O'Brian's Dict. Ihre's Gloſs. Sueo. Goth. Shilter's Theſaurus Antiq. Teut. Lye's Saxo. Goth. Dict.

[53] Inſerted in Shaw's Analyſis, Smith's Seandana, a tranſlation of his own poems into Earſe, p. 23. Perth Collection, 29.

greateſt difficulty was to produce the Engliſh original; for a ballad in blank verſe of eight ſyllables, with a few occaſional rhymes [54], may enable us to conceive the extreme facility of compoſition in his vernacular tongue. In the following verſes there are neither the numbers of ancient, nor the rhymes of modern poetry, nor the artful alliteration of the Scalds, but the ſame rude rhythm or cadence with his meaſured proſe.

" 'Se guth anaim mo riun at ann !
" It was the voice of my love ;
" O' f'ainmic gu aiſling Mhalmhin, thu
" Seldom in the dreams of Malvina art thou

54 Macpherſon would have done better to have avoided rhyme altogether,—a corruption of Greek and Latin poetry, firſt introduced, on account of its extreme facility, into Monkiſh verſes, ſee vol. i. p. 525. and adopted in Italian poetry in the middle of the ninth, into Saxon in the eleventh, and into Scandinavian poetry in the beginning of the thirteenth century. Tyrwhit's Chaucer, iv. 49. Pinkerton's Pref. to Barbour, 12. In Welſh poetry it was unknown to Giraldus Cambrenſis in the twelfth century, a ſufficient proof that the rhymes of Talieſan and the Welſh bards are a more recent forgery. The introduction of occaſional rhymes in Oſſian, five hundred years before they were known in Europe, and a thouſand before they were uſed in Wales, is alone a detection. But the rhythm of Macpherſon's Earſe Oſſian, to which there is no ſpecies of verſification ſimilar in the Welſh or Iriſh dialects of Celtick, ſeems to me to be conſtructed, with leſs licentiouſneſs indeed, on the ſame principle of recitative or cadence, with his meaſured proſe, in which each clauſe, *numeris lege ſolutis*, when the ſentence is printed as in theſe ſpecimens, is framed to repreſent to the eye as well as to the ear, an irregular verſe. See his Pref. to Homer, 18. I have reaſon to believe that Macpherſon wrote, or tranſlated from his common place-book whatever he imitated, into Earſe and Engliſh at the ſame time; and the uniform coincidence of the ſame verſe with a correſponding clauſe in each ſentence, can be explained only by the ſame thought being written and tranſlated inſtantly by the ſame author. The original was thus produced in the progreſs of the work, and was ſufficient to perſuade his highland friends, that the Earſe verſion, which they ſaw or peruſed in his own hand-writing, and of which they might acquire ſome fragments, was a literal tranſcript from the Red Book of Clanronald, or ſome Iriſh MS. which they were unable to read, but ſcrupled not to aſcribe to the beginning of the fourteenth or of the thirteenth century.

" Foſglaibhſe

" Foſglaibhſe *talla* nan *ſpeur*,
" Open your halls of the ſky (airy halls),
" Aithriche Thoſcair nan cruai bheum,
" Fathers of Toſcar of hard blows (ſhields)."
" Foſglaibhſe *dorſa* nan *nial*,
" Open the doors (gates) of your clouds ;
" Tha ceuma Mhalmhine gu dian,
" The ſteps of Malvina (Malvina's departure) are
" near."

If the moſſy halls of Selma, its towers and its ſhaded walls, are inconſiſtent with the wattled huts of the third century, we diſcover here the Gothic hall and its doors, by name. *Talla*, a corruption of hall, neither occurs in O'Brian, nor in the old deſcription of Tigh Teamhra [55], the hall or houſe of Temora ; and *dorus* a door, is a word equally univerſal among the Northern nations, and inconſiſtent with Oſſian. *Speur*, *ſpeir* the ſky, is confeſſedly the Latin *ſphæra* [56], transferred by the ignorance of the prieſts, from the ſtarry ſpheres to the firmament itſelf. I ſhall be told indeed that the Greek σφαῖρα is derived from the Iriſh ſpeur ; but thoſe egregious etymologiſts forget, that the ſphere ſignified nothing more than a ball or globe, even when transferred to the firmament which it was employed to repreſent. The laſt line, the ſteps of Malvina, in the firſt edition, of Malvina's departure, are near, is tranſcribed from ſcripture : " the time of my departure is at hand." 2 Tim. iv. 1. But the tranſlator diſcovered that the Earſe had no word equivalent to departure, as expreſſive of death, which was therefore omitted, and the voice of departed bards, from the poverty of the language, was tranſlated *guth nam bard nach beo* ; not *being*, not alive.

" Chualam guth am aiſling fein,
" I heard a voice in my dream ;

55 Collectanea Hibern, iii. 513. 56 O'Brian's Pref.

" Tha farŭm mo *chleibh gu hard*,
" *The force of my cheſt beats high*, (I feel the fluttering of my ſoul).
" Cuim thainig an oſag am dheigh,
" Why cameſt thou, O blaſt, afterwards,
" O dhubh-ſhuibhal na linn ud thall?
" From the dark rolling (face of) the lake,
" Bha do ſciath fhuaimneach an gallan an aonaich,
" Thy ruſtling wing was in the branches of the fir.
" Shuibhail aiſling Mal-mhine gu dian:
" The dream of Malvina fled;
" Ach chunnaic is a run ag aomadh,
" But ſhe beheld her love inclining,
" Sa cheo-*earradh* ag taomadh m'achliabh;
" His miſty array poured from his breaſt (flew on the wind);
" Bha dearſa na grein air thaobh ris,
" The ſun-beam was on his ſkirt;
" Co boiſgeal ri *or* nan daimh,
" It glittered like the gold of the ſtranger."

As each language has certain metaphorical idioms, eaſily diſtinguiſhed when transferred to another, a cheſt applied to the human trunk or cheſt, or a trunk inverſely to a cheſt, is peculiar to the Engliſh; the wing of an houſe or an army, is adopted from the Latin; the wings of the morning and of the winds from ſcripture; and the laſt, I believe as a Latin idiom, *levibus ventorum adremigat alis*, is to be found only where it was unavoidable, in Buchanan's Pſalms. The firſt has been tranſlated into Iriſh, like *cran criath* the trembling poplar. But that Oſſian, anticipating the Engliſh idiom, ſhould employ *Cliadh* a baſket, literally the ſame with Ciſta, for the human cheſt, will be believed only by thoſe who are already perſuaded that the ruſtling wing of the blaſt preceded the tranſlation of the Pſalms into Earſe. The robe of miſt that flew on the winds, contains a double detection.

Earradh

Earradh is literally the Engliſh *array*, from the Teutonick *raia*, *rada*, *ordo*; hence raiment, array: *taomadh*, to pour out, to empty, is the Icelandick *tomer*; the Daniſh *tom*, and the Scottiſh tume [57]. Unable to tranſlate into verſe, "it flew on the wind," the Author adopted *Taomadh*, it poured from his breaſt; a word repeatedly employed in Temora, the next ſpecimen, for pouring miſt on the warrior's grave. "A ſun-beam was on his ſkirt; it glit-"tered like the gold of the ſtranger:" an imitation of Milton's angel-wings;

"Skirted his loins and thighs with downy gold;"

may contain *or*, the Latin *aurum*, with leſs impropriety: but in a ſubſequent paſſage, "the day of the ſun," (as dia-ſul, or greine, would reſolve into Sunday,) is tranſlated 'S'grian *orradh* na beinn, the ſun, according to the Engliſh idiom, gilding the hills.

"Is connuidh dhuit *anam* Malmhine,
"But thou dwelleſt in the ſoul of Malvina:
"Mhic Oiſian is treine lamh,
"Son of Oſſian of the mighty hand.
"Eirig m' oſna mar re deurſa on ear;
"My ſighs ariſe with the beams of the eaſt;
"Thaomma *dheoir ammeaſg* ſileadh nah'oiche,
"My tears deſcend amidſt the drops of night."

Anam from anima, *deur* a tear, derived by Lloyd himſelf from the Teutonick, *ammeaſg* amidſt, expreſſions which no ſimplicity can impute to Oſſian, inſtead of the ſecond, demonſtrate a recent tranſlation, into a mixed language of the eighteenth century. The ſcriptural ſtyle of the Pſalmiſt, and Job, is preſerved in Earſe, "My "ſighs ariſe with the morning, my tears deſcend with

57 Ruddiman's Gloſſary to Gawin Douglas's tranſlation of Virgil. Inſtead of *Taomadh*, Smith ſubſtitutes *Taoſga*, pumped out of his breaſt; and inſtead of *Orradh*, the Perth editors have *Scartha*, the ſun ſeparated on the hill; both nonſenſe.

"the drops of night;" and *dearſa on Ear* is a literal tranſlation of our poetical idiom, the beams of the eaſt. Without purſuing the examination farther, I ſhall bring the tranſlation to an immediate teſt. The joy of grief is an abſtract, and refined expreſſion of the pleaſure with which we dwell on fictitious diſtreſs; an idea infinitely too complex for a barbarian, but a ſubject much canvaſſed at the time by Burke and Smith. The expreſſion perhaps is more poetical than juſt: the ſatisfaction ariſing from fictitious woe may amount to pleaſure, but can never conſtitute poſitive joy. But the "joy "of grief," is an original expreſſion of curious felicity, which it is impoſſible to tranſlate with the ſame energy into another language.

"Is caoin faiteal nam fonn Mhalmhine,
"The muſick of ſongs is pleaſant, Malvina;
"Ach claonaidh iad *anam* go *deoir*;
"But they oppreſs the ſoul with tears:
"Tha *ſolas* ann *tuireadh*, le ſith;
"There is a joy in grief with peace,
"Nŭir dhaomas cliabh *tuirſe* gu bron,
"When it dwells in the breaſt of the ſad."

Solas is literally *ſolatiŭm*, *ſolace*; *tuireadh* a requeſt, a dirge, ſorrow, is derived from tuirſe *tired*[58]; but the queſtion would appear an inſult to the moſt credulous underſtanding, whether *Tha ſolas an tuireadh*, was an expreſſion uſed by Oſſian in the third century, or by Macpherſon, unable to give an adequate tranſlation of the joy of grief.

Temora, L. vii. 3. The ſeventh book of the Temora, annexed in Earſe to the firſt editions as a ſpecimen of the original, is tranſlated from the Engliſh; and exhibits the whole mythology of miſt.

[58] Lloyd's pref. tranſlated in Nicolſon's Iriſh Hiſt. lib. 17. p. 109.

"O Linna

" O Linna doir choille na Lego,
" From the lake's woody thicketsof Lego;
" *Air uair*, eri ceo taobh-ghorm nan ton,
" At times aſcend the miſts blue ſkirted of waves;
" Nuair dhunas *dorſa* na h'oiche,
" When ſhut are the gates of night
" Air iŭlluir-ſhuil greina nan *ſpeur*
" On the eagle-eyed ſun of the ſky."

The moon is again compared from Milton, "to a dun " ſhield ſwimming through the folds of miſt, with which " the ſpirits of old clothe their ſudden geſtures, when, " blended with the gale, to ſome warrior's grave they " roll the miſt; a grey dwelling to his ghoſt until the " ſong ſhall ariſe."

" An taobh oitaig, gu *palin* nan ſeoid,
" Joined with the gale, to the grave of heroes,
" *Taomas* iad ceach nan *ſpeur*,
" Pour they the miſt of the ſky;
" Gorm-*thalla* do thannais nach beo,
" A blue hall to the ghoſts of the (not being) departed,
" Gu am eri fon marbhran nan teud.
" Till ariſes the (death) ſong on the ſtring."

Homer's heroes could not deſcend to the ſhades till their obſequies were performed. Neither can Oſſian's ghoſts aſcend the clouds without their dirge; but the imitation is dearly purchaſed by the modern words to which the author was reduced. Not to mention *dorſa*, *ſpeur*, *taomas*, *thalla*, already examined; *air uair* at times, is literally hourly; and as a mark of derivation, *uair* an hour, whether from the Latin *hora*, or the Engliſh hour, is never applied, except in compoſition, to time in general; the original ſignification of ὥρα in Greek. The warrior's

grave is tranſlated *palin*, a ſhroud, from the Latin *pallium*, and the Engliſh *pall*; and Fillan's ghoſt addreſſes Fingal,

" An codal ſo, don *ſhear-phoſda* aig Clatho,
" Sleeps the huſband of Clatho?"

Fhear, *vir*, the Gothic *ver* and the Saxon *wer* (*wer-guild*), may be claſſed perhaps among thoſe original words, for the coincidence of which etymologiſts muſt aſcend to the circles of Gomar; but *phoſda* ſpouſe, *poſadh* eſpouſals, are evidently derived from the Latin *ſponſalia*, corrupted, like *baiſteach* baptiſm, when introduced as a ſacrament by the Iriſh prieſts [59]. When Fingal ſtrikes his ſhield, the ſcreaming fowls are heard in the deſert; and *faiſich*, a deſert, repeatedly occurs. The ſons of Selma are the ſons of the deſert; Fingal's poetical deſignation in the fragments, was " the deſert of the hills;" but the name alone is a ſufficient detection. The deſert is a correlative term, ſuggeſted by its contraſt with peopled or cultivated fields; but as all places were equally deſert, to a tribe of hunters who ſubſiſted in the deſert, there was no relative to ſuggeſt the idea or the name. The ſame obſervation is applicable to autumn's dark ſtorms. Among hunters who have neither harveſt nor fruits, " Autumni perinde nomen et bona ignorantur." Whitaker, who read Oſſian only in Engliſh, pronounces ſteel an early Britiſh manufacture, as it was diſtinguiſhed (before iron) by an original name in the Iriſh language, " the " faireſt mirror of the Britiſh original." *Cruadh* hard, is equally applied to *cruadh*, a ſtone, and to *cruaidh*, ſteel; but in theſe ſpecimens of Oſſian, ſteel, the German *ſtahel*,

59 *Eon Baiſte*, John the Baptiſt. O'Brian, in the true ſpirit of etymology, converts *Poſadh* into *Boſadh* to derive it, by a double operation, from *Bo* a Cow, as the dowry among the Germans was paid in cattle. But Fingal had neither cattle nor herds, from which the *ſhear-phoſda* of Clatho could deſerve that name.

the

the Saxon and Scandinavian *ſtall*, is repeated by name.

" Gniomh bu *chruai*
" Hardy deeds.
" Leth dhoiller an deallin na *ſtallin*
" Half hid in the coals (bright gleams) of ſteel.
" Chuinic is é na *ſtalin chruai*
" She ſaw him in his hard ſteel."

The ancients were indebted to the Chalybeans for the manufacture and name of ſteel, but it is obſervable that *Chalybs* is very ſeldom employed, like *Ferrum*, metaphorically for a ſword; never for armour, which was generally of braſs. But the Engliſh name and idiom of ſteel for armour, are aſſigned by Macpherſon, from his own Highlander, " ſteel ſpeaks on ſteel," to the third century, when ſteel was ſeldom or never uſed in armour by the Romans themſelves. After this paſſage, the application of *barbarous* to Cathmor's ſoul, may excite the leſs ſurpriſe.

" Ni moſguil cunart *anam borb*,
" Can danger awake (alarm) his barbarous (fierce)
" ſoul;
" Ach ni'n *ſolas* do m' *anam* tla,
" But it gives no ſolace to my ſoft ſoul."

In the deſcription of Cathmor's ſhield, an obvious imitation of the ſhield of Achilles, I was curious to know what term would be employed for the ſounding boſs. *Crun* a crown, *cnap* a knob, were inadequate to the effect, and boſs itſelf was too groſs to be tranſcribed.

" Seached *coppain* a b'h' air an ſciath
" Seven boſſes roſe on the ſhield,

" Seached

" Seached *focuil* an *righ* do ſhluagh,
" Seven voices to the kings of the army;
" A thaomagh air oſna nan ſpeur,
" When poured on the blaſt of the ſky,
" Air finacha mor nam Bolg
" On the great nation of the Belgæ,
" Air gach *copan* ta reul do noiche,
" On each boſs was a ſtar of night,
" Cean mathon," &c.

The ſame terms are repeatedly employed. Bhuail en ſciath as fuaimnach *cop*, ſtruck the ſhield of the ſounding boſs; Chualas le ſciath nan *cop*, ſhe heard the ſhield of the boſs.

" Ach ta m *fhocul* le cunairt nan Erin,
" But my voice is (I warn you of) the danger of Erin,
" An cualas duit *coppan* na fuaim
" Heard you the ſound of the boſs."

The reader may be ſurpriſed to learn that *focal* is literally *vocalio* a vowel, *foclair* a vocabulary, and *coppan* the Saxon, and German *cup*. If a circumſtance can render the detection more complete, the hundred cups of the Iriſh ballad of Erragon, are converted, in the battle of Lora, into ten ſhells *(ſliogh)* ſtudded with gems, that gladdened once the kings of the world. But in Cathmor's marvellous ſhield, *copan* a cup, ſo faſtidiouſly rejected as unknown to Oſſian in its proper ſignification[60], is applied

60 " It is worthy of being remarked," ſays Macpherſon on the Engliſh word *caſe*, (ſupra 429.) in the Iriſh ballad of Fingal and Magnus, " that " Oſſian, who lived in St. Patrick's days, ſeems to have underſtood " ſomething of Engliſh, a language not then ſubſiſting." Oſſian, ii. 276. *Barcas* a bark, *ſtoirm* a ſtorm, *Carbad* carborne, *baiſte* a beaſt, occur in Smith, the difference between whom and Macpherſon is, that the latter imitated the claſſics, while Smith and Clark imitate Macpherſon.

meta-

metaphorically to the ſeven boſſes tipt with ſeven ſtars of night, that ſpoke like a peal of bells, each in a ſeparate voice or vowel, to ſeven kings. After ſuch groſs detection, it is unneceſſary to examine more than Larthon's dream, and the deſcription of his ſhip.

" Thanic aſlin gu Learthon nan *long*,
" Dreams came to Larthon of ſhips;
" Seached *ſamla* do'n *lina* nach beo,
" Seven ſpirits of the generations that are paſt.
" Chualas an guth *briſta*, trom,
" He heard their broken voices (aſleep) heavy,
" Thaom iad am *feachda* fein,
" Poured they their forces (fights),
" Mar cheadh a terna on bhein
" Like miſt along the deſcent of the hill."

Samlis, ſemblance, a word I believe of the author's coinage, from Samhuil, ſimilis; *Lina*, literally a line or lineage, (*linns-gearadh*) a genealogy, are both from the Latin; *briſta*, a Teutonick word, is the German *breſten*, the French *briſer*, the Saxon *burſten*, the Scottiſh *briſt*, to break or burſt; but *feachda*, battles, forces, *fights*, from *feachtha* [61], was fought, indicates equal confidence in deceit, and contempt for the credulous ſimplicity of mankind.

" Leathain ſcaoile *feoil* bhan an *righ*,
" Wide ſpread the ſails of the king.
" Leum *loingheas* o'thon, gu thon,
" Leapt the ſhip from wave to wave.
" Ni m facas leo riamh an *long*,
" Never had they ſeen a ſhip,
" Cear *Marchadh* a chuain mhoir,
" Dark horſeman (rider) of the ocean."

61 Ihre, Junius. Lye. O'Brian.

Loingheas

Loingheas and *long* are indiſputably derived from the *naves longæ* of the Romans and of the middle ages; *ſeoil* are the Engliſh ſails, from the Saxon *ſegel*, *ſeyl*, an univerſal word among the Northern nations; and *marcadh*, from the Teutonick *mark*, a horſe, is ſtill retained in mariſhal and mare [62]. Riding, applied in Engliſh to ſhips, is a familiar idiom; and the dark riders of Ocean, an eaſy metaphor, not to be tranſlated with impunity into a different language. The ſteeds and courſers of Ocean, are metaphors frequently uſed by the *Scalds*; *Eurus* per *Siculas equitavit undas*, occurs in Horace; but a name for the rider, from *rede* a chariot, diſtinct from that of the horſe, is peculiar to the Engliſh and other Gothic languages; and *Marchadh a chuain mhoir*, the horſeman of the great ſea, is a harſh, and obvious tranſlation of the rider of ocean, equally ridiculous with *eques maris* in Latin, or *Cavalier de la mer*, were it tranſlated into French. From the ſpecimens already publiſhed, the language is indiſputably of a recent growth; and from the preceding detections, it is not difficult to predict, that the publication of an Earſe Oſſian will counteract the deſign, and reflect utter diſcredit on the whole poems.

The deceit avowed by Macpherſon.

VIII. 1. Macpherſon himſelf has in fact avowed the deceit. In the firſt edition of Fingal, he concludes a diſſertation on the Era, or antiquity of Oſſian, with the affected modeſty of a young tranſlator doubtful of ſucceſs: "That his tranſlation is literal; that the tranſlator, "as he claims no merit from his verſion, wiſhes that the

62 *Seol* a ſail in Earſe and Iriſh, not in the Welſh. Bullet and O'Brian have aſſigned *Marc* to the Celtick, as it occurs in Pauſanias's Account of the Irruption of the Gauls into Greece. Paus. Phoc. But the *Marcomanni* were a German tribe, and Merula (Coſmogr. 421), and Pinkerton have proved indiſputably from Jerome, that the Galatæ of Aſia minor, were German Gauls, who ſpoke the ſame language with the Treviri or inhabitants of Triers, a tribe originally German. Tacitus Germ. c. 28. Diſſertation on the Scythians and Goths. 148. See Meric Caſaub. de quatuor Linguis Comment. 139.

"imperfect

"imperfect ſemblance he draws, may not prejudice the "world againſt an original which contains what (ever) "is beautiful in ſimplicity, or grand in the ſublime[63]." Not ſatisfied with a doubtful tranſlation, a man of letters, poſſeſſed of an original manuſcript, comments and dwells upon it; communicates it with rapture to his friends; conveys it in a faithful edition to the world; depoſits it in ſome public library for the inſpection of the curious, and finally bequeaths it to ſome public inſtitution. But Macpherſon informs us in an advertiſement prefixed to Fingal, "That he was adviſed by ſome *men of genius* his "friends, to print the originals by ſubſcription, as a better "way to ſatisfy the public concerning their authenticity, "than to depoſit the manuſcript *copies* in a public library; "but as no ſubſcribers appeared, he takes it for the judg- "ment of the public (a ſtrange concluſion) that neither the "one nor the other was neceſſary. However, he aſſures the "public of a deſign to print the originals, as ſoon as the "tranſlator ſhall have time *to tranſcribe them* for the preſs; "and if this publication ſhall not take place, *copies* will then "be depoſited in one of the public libraries, to prevent ſo "ancient a monument of genius from being loſt." That he was then preparing, and ready to publiſh an Earſe verſion, had it proved as profitable as the Engliſh original, I have no doubt. In the Diſſertation on the Poems of Oſſian, prefixed to the Temora, adverting to the inſinuations made, and the doubts entertained reſpecting their authenticity, "To me," he ſays, "they give no concern, "*as I have it always in my power* to remove them." From this ſelf-denying power to produce the originals, we muſt conclude that the Earſe verſion, now to be impoſed on the public, was then executed. Ten years afterwards, when the reputation of Oſſian, and the foundations of his own fortune were eſtabliſhed, Macpherſon, in an im-

[63] Fingal, 1ſt edit. p. 16.

proved

In his Diſſertation.

proved edition of the poems, aſſumes a higher tone. At the ſame time that he aſſerts their authenticity, he inſinuates his claim to the whole merit or infamy of the impoſture, the motive of which he condeſcends in the ſame diſſertation to explain. "Thoſe who alone are capable "of transferring (not tranſlating) ancient poetry into a "modern language, might be better employed in giving "*originals of their own*, were it not for that wretched envy "and meanneſs which affects to deſpiſe *contemporary genius*. "My firſt publication was merely accidental. Had I then "met with leſs approbation, my after purſuits would have "been more profitable. Whether the ſuſpicions concerning "the authenticity of the poems are ſuggeſted by prejudice "or malice, I neither know nor care. Thoſe who have "doubted my veracity, have paid a compliment to my "genius, and were even the allegation true, *my ſelf-denial* "*might have atoned for my fault.* I aſſure my antagoniſts, "that I ſhould not tranſlate what I could not imitate; but "an age that produces few marks of genius, ought to be "ſparing of admiration; and unleſs genius were in faſhion, "Homer himſelf might have written in vain. Were my "aim to gain the *many*, I would write a madrigal ſooner "than an *heroick poem*[64]." Here his motives are diſtinctly explained. The miſcarriage of his firſt Epic, the Highlander, was ſecretly aſcribed to the envy and meanneſs which affect to deſpiſe contemporary genius. The encouragement given to his firſt avowed production, the Fragments, induced him to perſiſt in the impoſition, which is carefully extenuated, and faintly denied. Whether the ſuſpicions concerning the authenticity of the poems were the reſult of prejudice or malice, he declares with indifference, *nec ſcio nec ſcire cupio*; and does more than inſinuate that the tranſlator was at leaſt equal in genius to his ſuppoſed original. Inſtead of vindicating

[64] Oſſian's Poems, ii. 259—61. edit. 1773.

the

the authenticity of his own, he enters into an angry examination of the Iriſh poems, *which were all in his hands*; and allowing for his habitual fiction, are the identical, and the only originals which Hill and the biſhop of Clonmore diſcovered, or the Perth editors of the Gaelic Poems could procure in the highlands. For the authenticity of the originals, he diſcovers a ſupine indifference or contempt. But his jealouſy of the Iriſh pretenſions to Oſſian, and his parental ſolicitude for the poems, which he obſerves with truth, "cannot well belong to Ireland and to me at "once [65]," can be compared to nothing elſe than the reſentment of a man who receives with viſible complacency, an intimation that he had provided a ſon and heir for his deceaſed friend; but is quite enraged, and indignant only then, when another claims a ſhare in the ſuppoſititious birth.

2. But the Preface, which is always laſt written, avows the deception in the moſt unequivocal terms. "Without "*increaſing his genius*, the author may have improved "his language, in the eleven years that the poems have "been in the hands of the public. Errors in diction might "have been committed at twenty-four, which the experi- "ence of a riper age may remove, and ſome *exuberances in* "*imagery* may be reſtrained with advantage, by a degree of "judgment acquired in the progreſs of time.—In a conve- "nient indifference for a literary reputation, the *author* "hears praiſe without being elevated, and ribaldry without "being depreſſed.—The taſte which defines genius by the "points of the compaſs, however ludicrous in itſelf, is "*often a ſerious matter in the ſale of a work*. When rivers de- "fine the limits of abilities, as well as of countries, a writer "may meaſure his ſucceſs by the latitude under which he "was born. It was to avoid a part of this inconvenience, that "the author is ſaid by ſome, who ſpeak without any autho- "rity, to have aſcribed his own productions to another "name. If this was the caſe, he was but young in the art

65 Oſſin's Poems ii. 259—61. edit. 1773.

" of deception, as the tranſlator, when he placed his author " in antiquity, ſhould have been born on this ſide the " Tweed.—But the truth is, that to judge aright requires " almoſt as much genius as to write well; and good " critics are almoſt as rare as great poets. Though two " hundred thouſand Romans ſtood up when Virgil came " into the theatre, Varius only could correct the Æneid.— " The novelty of cadence, in what is called a proſe verſion, " though not deſtitute of harmony, will not, to common " readers, ſupply the abſence of the frequent returns of " rhyme. This was the opinion of the *writer* himſelf, " whoſe firſt intention was to publiſh in verſe; and as the " making of poetry may be learned by induſtry, he had " ſerved his apprenticeſhip, *though in ſecret*, to the muſes." As a proof that proſe was adopted not from neceſſity but choice, he proceeds to the moſt impudent fiction of the whole; the maid of Lulan, a poem loſt in the original Norſe, but preſerved by tradition in an Earſe tranſlation, *transferred* into Engliſh, and inſerted in his preface both in proſe and verſe. " *The writer*," he concludes, " has " now reſigned the poems to their fate;" of the foregn verſions, he obſerves, that " genuine poetry, like gold, " loſes little when properly transfuſed;" and with an implied reference to himſelf, that " the tranſlator who " *cannot equal his original*, is incapable of expreſſing its " beauties."

Claims the poems as his own.

Here, if there is a meaning in words, Macpherſon vindicates and appropriates the poems expreſsly to himſelf. He intimates almoſt in direct terms, that he, the author who without increaſing his genius, in eleven years has improved his language, and reſtrained the exuberance of his imagery; the writer, equally qualified to excel in proſe and verſe; the ſuppoſed tranſlator, who alone, like Varius, can equal his original, to avoid the invidious oppoſition of national prejudices, (a ſerious conſideration in the ſale of a work,) has aſcribed his poems to a remote antiquity, and another name. The

applauſe

applauſe of reviewers was re-echoed by Blair and Kaims, whoſe injudicious, yet ingenious criticiſms had placed the Celtic bard on a level with Milton, Virgil, and Homer himſelf. The laborious Henry, the fantaſtical Whitaker, adopted Oſſian as genuine hiſtory; and Macpherſon, exulting in their applauſe, and his own ſucceſs, entered the preceding caveat, as a guarded, yet ſolemn proteſtation, leſt the poems ſhould deſcend to poſterity, while the real author was defrauded of his fame. It was ſtill neceſſary not to diſabuſe his countrymen, nor to diſappoint, by a more explicit declaration, their credulous hopes of an epic poem in Earſe. His diſpute with Johnſon, and the ſcurrilous controverſy between Shaw and Clark, taught him that a moral character ſhould ſtill be ſuſtained; and he continued to fluctuate till his death, between the care of his reputation, and the character of an original poet, which he was deſirous to aſſume. A ſubſcription of a thouſand pounds, from his countrymen in the Eaſt Indies, which he had retained in his own hands while alive, was bequeathed to his friends, to publiſh the Earſe verſion which he had formerly prepared. With the ſame heſitation between the adverſe characters of tranſlator and author, he provided a niche for himſelf among the Engliſh poets, after his deceaſe, and if not the firſt tranſlator, was certainly the firſt poet from Badenoch, whoſe remains were tranſported to Weſtminſter Abbey.

His works eſtimated.

3. I know not by what arguments it is poſſible to transfer to Oſſian, or to the third century, the poems which Macpherſon has produced and claimed as his own. It is not ſufficient to affirm that the tranſlator has ſuppreſſed the originals, in order to appropriate the poems to himſelf; for no motive could have induced him to deſtroy the original MSS. when he left an Earſe verſion to be publiſhed, unleſs theſe were merely the Iriſh ballads, the preſervation of which would have expoſed the whole

deceit. The mediocrity of his other productions is not ſufficient; for the ſtyle of Oſſian may convince the world, that he muſt creep on the earth unleſs he ſoars ſublime. It diſcovers bold experiments in language, rich ſentimental deſcription, if ſometimes pathetic, more frequently turgid than ſublime; but contains no accurate delineation of character, no obſervations on human nature, no reſearch into human actions, no artful tranſitions, nor talent for narration or plot; nothing in fact, either chaſte or ſober, that could be transferred with advantage to the hiſtorical page. In Dow's Hiſtory of Indoſtan, in which Gibbon juſtly ſuſpected that the ſtyle of Feriſhda was improved by that of Oſſian, he indulged the epic extravagance of his genius uncontrouled. His Introduction even to the Hiſtory of Britain, is groſsly embelliſhed with a Celtic fable, borrowed from Procopius and ſome Eaſtern tale, of a bard who viſited the Fortunate Iſlands for a few days, and diſcovered that two centuries had elapſed on his return [66]. His Hiſtory of Britain is a dull and haſty chronological abſtract from Ralph, and the State Papers collected by Carte and himſelf. But the plot and incidents of Oſſian, its tumid Preface and Diſſertations, demonſtrate that, however qualified to improve upon a few facts, he was incapable, or inſenſible to the value, of a judicious arrangement, ſolid argument, or profound inveſtigation. When we conſider Oſſian alone, or the temptation to emerge from an obſcure indigence, the acknowledgment which he has made might atone for a deception ſo grateful to his countrymen, had he not bequeathed ſuch ſpurious originals as we have examined, to be publiſhed by his friends; one of whom I know to be a man of worth and letters, though deceived by the impoſture, as I was once myſelf. Inſtead of being precluded, at a maturer age, from the cultivation of poetry, he might have acquired a more durable and legi-

[66] P. 181. Gibbon's Hiſt. x. 343. 8vo. edit.

timate reputation, had he truſted, like Thomſon in the ſame obſcure ſituation, to the native force of his own genius; nor availed himſelf of the national credulity by an impoſture not ſo difficult as Pſalmanazar's, though more ſucceſsful. But when his impure hands are impoſed on hiſtory, the miſquotations and fictions detected in his Introduction [67], and his cold malignity towards the moſt illuſtrious characters, ſhould teach us to receive his Original Papers with extreme diſtruſt; and we muſt regret that the State Papers of the Stewarts and of William, by ſome ſtrange fatality, were reſerved for Dalrymple and the tranſlator of Oſſian.

Teſt of the authenticity of Oſſian.

4. After all, theſe arguments are eaſily anſwered, but not by abuſe. A ſingle manuſcript is worth a thouſand arguments. If a ſingle poem of Oſſian in manuſcript, ſuch as tranſlated by Macpherſon, of a decent length, and the MS. indiſputably of an older date than the preſent century, be produced and lodged in a public library, I ſhall return among the firſt to our national Creed. But popular arguments are no anſwer to pointed objections or hiſtorical facts; much leſs will abuſe ſuffice to reſtore the loſt authenticity of Oſſian's poems. The moſt bigoted muſt acknowledge, that the refined poetry which they admire ſo much, was more likely to be produced by a cultivated genius of the preſent, than by an illiterate bard of the third century; and his reputed countrymen may reſt ſatisfied with the honour and conſolation to be derived from an Epic poet in modern times.

67 Genuine Hiſt. of the Britons aſſerted, 297. Whitaker's politeneſs to a man whom he had convicted of "ſuch a groſs perverſion even of his "own quotations, ſuch plain and manifeſt corruptions even of his own "authorities, ſuch erazings of records, ſuch falſifications of hiſtories," forms a ſignal contraſt to his ſcurrilous abuſe of the late Dr. Robertſon, whom, from a minute examination of the moſt diſputed paſſages of his hiſtory, I cannot heſitate to pronounce the moſt faithful of hiſtorians.

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THE END OF THE SECOND VOLUME.

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188. — 17. *for* declarations *read* deliberations
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